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INVESTIGATION OF IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD

HEARINGS
BEFORE THE
SELECT COMMITTEE
ON IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD

EIGHTY-FIFTH CONGRESS

SECOND SESSION

PURSUANT TO SENATE RESOLUTIONS 74 AND 221, 85TH CONGRESS

FEBRUARY 26, 27, 28, MARCH 3 AND 4, 1958

PART 21

Printed for the use of the Select Committee on Improper Activities in the
Labor or Management Field



3559

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SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR
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INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

WEDNESDAY, FEBRUARY 26, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10:30 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the caucus room, Senate Office Building, Senator John L. McClellan, chairman of the select committee, presiding.

Present: Senators John L. McClellan, Democrat, Arkansas; Irving M. Ives, Republican, New York; John F. Kennedy, Democrat, Massachusetts; Sam J. Ervin, Jr., Democrat, North Carolina; Pat McNamara, Democrat, Michigan; Barry Goldwater, Republican, Arizona; and Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John J. McGovern, assistant counsel; Vernon J. Johnson, investigator; and Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session: Senators McClellan, Ives, Ervin, Kennedy, and Curtis.)

The CHAIRMAN. The Chair will make a brief opening statement.

The committee begins today a series of hearings into strike violence and other labor-management problems arising out of disputes between the International Union of Automobile, Aircraft, and Agricultural Implement Workers of America, the Kohler Co., of Kohler, Wis., and the Perfect Circle Co., of New Castle, Ind.

It is our intention during the course of these hearings to take testimony from participants in the events which transpired at both companies during the long and bitter labor disputes, as well as from top officers of the companies and the union involved, Mr. Herbert Kohler, of the Kohler Co.; Mr. William Prosser, of the Perfect Circle Co.; and Mr. Walter Reuther, of the UAW.

The Kohler Co. was struck by the UAW in 1954. The strike still continues today. The problems generated by that strike have resulted in bitterness and long simmering resentment on both sides. More important even, however, these labor-management problems have posed a serious question as to the adequacies of existing laws to deal with strike violence and mass picketing. The committee intends to ascertain the true facts concerning the violence at the Kohler Co. with a view to determining whether Federal legislation is needed in that field.

The United Auto Workers also initiated a nationwide boycott of the products of the Kohler Co. The effects of the boycott have been the subject of controversy between the union and the company—with the union claiming it has been a success and the company labeling it a failure.

The committee is interested in ascertaining whether the boycott of Kohler products, which I understand the union today freely admits, has crossed the bounds of law which prohibit secondary boycotts, or whether this type of boycott, union pressure on business, is something which requires legislative attention.

Again, in New Castle, Ind., we have had violence. Union men and company employees at the Perfect Circle Co. emptied shotguns and rifles at each other in an outburst of violence which, fortunately, resulted in no deaths, but certainly is a blot on the history of labor-management relations in this country.

I might say from the briefings that we have had by the staff, that all is not black and white in these cases. There are many shades of gray in every labor-management dispute. Both sides in both the Kohler and Perfect Circle disputes have serious charges about the conduct and the activities of the other side. The evidence will have to determine the true facts. It is this committee's intention to hear the evidence and discover where the responsibility lies and where legislation, if any, is needed, and get the true facts.

There has been some controversy within the ranks of the committee over the proposed procedure for these hearings. I want to say at this time that any Senator on this committee who feels that any particular witness can shed further light on these cases can ask for that witness to testify, and he will be required to do so. Some 70 witnesses have already been invited to testify in order to present the committee with as broad a picture as can be obtained.

The Senate and the American people look to this committee to continue its efforts resolutely. To do less would be to shirk our responsibility and to bring comfort to those forces in organized labor and management who cannot stand the scrutiny of an investigation.

I only wish to make this comment about it: The proceedings that will be followed here are not the proceedings in keeping with the Chair's views as to how this matter should be presented. I have yielded to this procedure out of what I conceive to be deference to a higher duty and responsibility.

I believe the work of this committee, and I believe its task and its assignments and the importance of it transcend all other considerations of any person, any individual, any party, anybody's policy, or the political fortunes of any member of this committee.

I am interested in neither side, and I want to get the whole truth and get it on record, so that the public may know from sworn testimony what occurred, what was wrong, and what should be corrected.

I cannot predict how long this particular series of hearings will last. I said, when I announced these hearings would begin on yesterday, that it is quite probable that there would have to be other series of hearings at this particular inquiry which might go on for several weeks, intermittently.

I cannot at this time determine just how many series of hearings may be required in this particular investigation.

I do wish to say this, however, that so far as the Chair is concerned these hearings will continue as the committee can reach them, until such time as a majority of this committee is satisfied that all facts have been developed that are pertinent to this committee's responsibility, or until a majority of the committee feels that further hearings would prove fruitless.

Does any member of the committee have any comment?

All right, Mr. Counsel, call your first witness.

MR. KENNEDY. The first witness of the committee, Mr. Chairman, is Mr. Grasskamp, Allan Grasskamp.

THE CHAIRMAN. Will you be sworn, please.

You do solemnly swear that the evidence you shall give before this Senate investigating committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

MR. GRASSKAMP. I do.

TESTIMONY OF ALLAN GRASSKAMP, ACCOMPANIED BY COUNSEL, JOSEPH L. RAUH

THE CHAIRMAN. State your name and your place of residence, and your business or occupation.

MR. GRASSKAMP. Allan Grasskamp, 1810 South 22d Street, Sheboygan, Wis., president of local 833, UAW, AFL-CIO.

THE CHAIRMAN. Mr. Grasskamp, you have counsel representing you?

MR. GRASSKAMP. I do.

THE CHAIRMAN. Counsel, you may state your name and place of residence, please, sir, and identify yourself for the record.

MR. RAUH. My name is Joseph L. Rauh, and I am Washington counselor for the United Automobile Workers, and I live in Washington, D. C.

THE CHAIRMAN. Thank you very much. I am sure you are familiar with the rules of the committee. Counsel are permitted to be present to advise their client and advise the witness of their legal rights.

All right, proceed.

MR. KENNEDY. Mr. Chairman, Mr. Grasskamp was notified at 10:15 this morning that he was to be a witness at 10:30.

Of course, he has had no opportunity to get an opening statement in, and I do not know whether he has anything that he wishes to say prior to the time any questions are asked.

THE CHAIRMAN. Do you have a prepared statement?

MR. GRASSKAMP. I do not have a prepared statement, Mr. Chairman, but I do have a short brief oral statement that I would like to make.

THE CHAIRMAN. The committee will hear it.

MR. GRASSKAMP. Mr. Chairman, this is a strike of the Kohler workers, the people that work in Kohler. These are the people that are striking. They are striking because of conditions that existed inside that plant.

Their job security, and such things as transfers, seniority, layoffs, the unbearable conditions as far as silicosis is concerned, and these are the people that are striking at Kohler.

These are the people that are continuing to strike at Kohler, and these are the people that will continue to strike until justice is won for the Kohler workers.

It is true that the vast majority of Kohler workers were on the picket line, side by side. They were there because they felt that in numbers there was protection.

They remember from back in 1934, which is public record, of what the brutality of the company in that strike was at that time. Two people were killed, and 47 were wounded. They were all out there protecting themselves and their brothers together.

The CHAIRMAN. Proceed with the questions, Mr. Counsel.

Mr. KENNEDY. Mr. Grasskamp, you worked at the Kohler Co. for how long?

Mr. GRASSKAMP. Since 1939.

Mr. KENNEDY. What position have you held, or what work have you done for the Kohler Co.?

Mr. GRASSKAMP. I started working for the Kohler Co. unloading a couple of clay boats in 1939, and I then went to work in the yard department of the Kohler Co. for a few weeks.

And in November of 1939 I was transferred into the pottery division, into the castings department.

Mr. KENNEDY. You remained in that position for how long?

Mr. GRASSKAMP. To the time of the strike.

Mr. KENNEDY. Now were you a member of any union?

Mr. GRASSKAMP. I was a member of the KWA Independent Union, signed up by a foreman, in 1939, which I started.

Mr. KENNEDY. Was it KWA? What does that stand for?

Mr. GRASSKAMP. That was the Kohler Workers Association.

Mr. KENNEDY. What do you mean, you were signed up by a foreman?

Mr. GRASSKAMP. When I came in in the morning, I was handed a card by the foreman at that time, who is deceased now, and his name was Mr. Nolan, and at the same time he handed me a checkoff card, and said that it would be well that I sign this, and I did.

I have been a member of the KWA from that day on.

Mr. KENNEDY. So the management representative signed you up in the KWA?

Mr. GRASSKAMP. That is right.

Mr. KENNEDY. This was supposed to be the union representing the employees?

Mr. GRASSKAMP. That was supposed to be the union representing the employees.

Mr. KENNEDY. Was it an independent union?

Mr. GRASSKAMP. It was an independent union.

Senator Ives. May I interrupt there?

It was really a company union; was it not?

Mr. GRASSKAMP. That is right.

Senator Ives. It was not an independent union as we understand them?

Mr. GRASSKAMP. It was company dominated.

Senator Ives. But it was a company union?

The CHAIRMAN. What you meant by independent, it was not affiliated with any international?

Mr. GRASSKAMP. That is correct.

Mr. KENNEDY. Did the National Labor Relations Board ever hold that it was company dominated?

Mr. GRASSKAMP. Back in 1934, as I recall the records, there was an election, and it was held that the company had fostered it and that it

was company dominated, but it said another election could take care of that problem.

Senator CURTIS. What was the date of your joining the KWA?

Mr. GRASSKAMP. Well, it would have to be——

Senator CURTIS. What year?

Mr. GRASSKAMP. 1939.

Senator CURTIS. In 1939?

Mr. GRASSKAMP. Yes, sir.

Senator CURTIS. Do you know how many members the KWA had?

Mr. GRASSKAMP. At that time, you mean?

Senator CURTIS. Yes.

Mr. GRASSKAMP. No, I couldn't say right offhand.

Senator CURTIS. Give me an estimate.

Mr. GRASSKAMP. I would say between 90 and 95 percent of——

Senator CURTIS. Of the workers?

Mr. GRASSKAMP. Yes, sir.

Senator CURTIS. But not all of them?

Mr. GRASSKAMP. Not all of them, no.

(At this point, the following members were present: Senators McClellan, Ives, Ervin, Kennedy, Curtis, and Goldwater.)

Mr. KENNEDY. And you paid dues into that union at the time?

Mr. GRASSKAMP. I paid dues into the Kohler Workers Association.

Senator IVES. May I get something cleared up at this point, Mr. Chairman? You talked about being a picket on a picket line?

Mr. GRASSKAMP. That is right.

Senator IVES. Was that a mass picket line? Did the members of the union stand side by side?

Mr. GRASSKAMP. Well, Mr. Chairman, I must say "Yes."

Senator IVES. What I am interested in in that connection is this: Were there any pickets on that line that were not members of the union, that were not in the company or had not been in the company, had not been working in the company?

Mr. GRASSKAMP. We had a few people.

Senator IVES. Outsiders?

Mr. GRASSKAMP. No, I do not call them outsiders.

Senator IVES. What do you mean?

Mr. GRASSKAMP. They were international representatives of the international union. We had some international representatives up there. It must be well understood at this time that when this strike started, because of the company's immediate publicity in saying that the majority of the people wanted to work, the majority of the people appeared on the picket line every morning, demonstrating their solidarity to the union and their sanctioning of the strike.

Senator IVES. The workers themselves of the company?

Mr. GRASSKAMP. That is right.

Senator IVES. In other words, they were not outsiders?

Mr. GRASSKAMP. They were not outsiders.

Senator IVES. How many so-called outsiders of these international organizers or people did you have there all told?

Mr. GRASSKAMP. The most I can recall would be somewhere between 12 and 15.

Senator IVES. That certainly couldn't be considered an outside mass picketing job.

Mr. GRASSKAMP. No, I think you misunderstood me. Did you ask for international organizers?

Senator IVES. I am talking about the outsiders. You mentioned outsiders that were not members of the local union.

Mr. GRASSKAMP. That did not work for the Kohler Co.

Senator IVES. How many of them were there?

Mr. GRASSKAMP. 12 to 15.

Senator IVES. And that is all. All the rest of them were workers in the plant, members of the local union?

Mr. GRASSKAMP. The rest of the members on the picket line, better than 2,000, maybe close to 2,500, were Kohler workers, worked for the Kohler Co.

Senator IVES. Thank you.

Senator CURTIS. When was this picket line that you are talking about, what month and what year?

Mr. GRASSKAMP. April 5, 1954.

Senator CURTIS. And you know most of the Kohler workers?

Mr. GRASSKAMP. I know most of them by sight, yes.

Senator CURTIS. And it is your statement that in that picket line, you recognized them all as Kohler workers except these 12 or 15 international representatives?

Mr. GRASSKAMP. That is right.

Senator CURTIS. And there was no one else there?

Mr. GRASSKAMP. That is right.

Senator CURTIS. Now will you name those international representatives?

Mr. GRASSKAMP. Well, there is maybe two or three who I do not know, whether they were international representatives or from another local union.

Senator CURTIS. What were their names?

Mr. GRASSKAMP. Guy Barber.

Senator CURTIS. Where was he from?

Mr. GRASSKAMP. Chrysler, local 7.

Senator CURTIS. All right.

Mr. GRASSKAMP. There was James Fiore.

Senator CURTIS. Where was he from?

Mr. GRASSKAMP. I think local 212.

Senator CURTIS. Who else?

Mr. GRASSKAMP. There was William Vinson from local 212.

Senator CURTIS. William who?

Mr. GRASSKAMP. Vinson.

Senator CURTIS. Where was he from?

Mr. GRASSKAMP. Local 212.

Senator CURTIS. Where is that?

Mr. GRASSKAMP. The Briggs local, a Kohler competitor, the Briggs Manufacturing Co.

Senator CURTIS. Who else?

Mr. GRASSKAMP. John Gunaca.

Senator CURTIS. Where was he from?

Mr. GRASSKAMP. Local 212, the Briggs Co.

Senator CURTIS. That is a local in Milwaukee?

Mr. GRASSKAMP. No. That is a local in Detroit, Mich.

Senator CURTIS. A local in Detroit?

Mr. GRASSKAMP. That is right.

Senator CURTIS. Where did this mass picketing take place?

Mr. GRASSKAMP. At Kohler.

Senator CURTIS. Where is Mr. Gunaca now?

Mr. GRASSKAMP. To my knowledge, Detroit, Mich.

Senator CURTIS. Is he wanted in Wisconsin?

Mr. GRASSKAMP. To my knowledge, from the newspaper and the courts, yes.

Senator CURTIS. What is he wanted for?

Mr. GRASSKAMP. He is allegedly supposed to have beat somebody up.

Senator CURTIS. What happened to the victim?

Mr. GRASSKAMP. The victim?

Senator CURTIS. Yes.

Mr. GRASSKAMP. He is working at Kohler, so far as I know.

Senator CURTIS. Working at Kohler?

Mr. GRASSKAMP. Yes.

Senator CURTIS. What is his name?

Mr. GRASSKAMP. William Bersch, Jr.

Senator CURTIS. And that is the only charge pending against Mr. Gunaca?

Mr. GRASSKAMP. So far as I know, yes.

Senator CURTIS. Who else was on this picket line who were international representatives?

Mr. GRASSKAMP. Well, there was Raymond Majerus, who was region 10 international representative.

Senator CURTIS. Where was he from?

Mr. GRASSKAMP. Region 10, originally a Kohler worker discharged in 1952.

Senator CURTIS. What city or place is he from?

Mr. GRASSKAMP. He now works out of the Milwaukee office.

Senator CURTIS. Where was he at that time?

Mr. GRASSKAMP. At that time I think he was already working out of the Milwaukee office.

Senator CURTIS. Who else? Was there a Mr. Ferrazza there?

Mr. GRASSKAMP. Jesse Ferrazza.

Senator CURTIS. Was he there?

Mr. GRASSKAMP. He was there participating in negotiations and is the administrative assistant to Emil Mazey.

Senator CURTIS. Where is he from?

Mr. GRASSKAMP. He is from Emil Mazey's office in Detroit.

Senator CURTIS. Do you think of any others?

Mr. GRASSKAMP. Donald Rand, who at the time was connected with the skilled trades department, was there.

Senator CURTIS. From where?

Mr. GRASSKAMP. He was out of the Detroit office.

Senator CURTIS. Now you mentioned Emil Mazey. Who is he?

Mr. GRASSKAMP. He is the international union secretary-treasurer.

Senator CURTIS. Did he have such a position at this time we are talking about?

Mr. GRASSKAMP. That is right.

Senator CURTIS. Was there a Mr. Burns there?

Mr. GRASSKAMP. Joseph Burns, yes.

Senator CURTIS. Who is he?

Mr. GRASSKAMP. He was head of the community services and the strike assistance program for the Kohler workers.

Senator CURTIS. Where did he live?

Mr. GRASSKAMP. Well, for a long time he lives in Sheboygan, because he was stationed right there managing the assistance program.

Senator CURTIS. Where did he live at that time?

Mr. GRASSKAMP. When he was in Sheboygan?

Senator CURTIS. When this mass picketing took place.

Mr. GRASSKAMP. Well, he was staying in Sheboygan but his home was in Detroit, Mich.

Senator CURTIS. Was there a Mr. Stallons?

Mr. GRASSKAMP. Stallons, yes. A Mr. Stallons was there.

Senator CURTIS. Who is he?

Mr. GRASSKAMP. To my knowledge, he is just a worker from local 72 in Kenosha.

Senator CURTIS. Kenosha, Wis.?

Mr. GRASSKAMP. That is right.

Senator CURTIS. Was he an employee of Kohler's?

Mr. GRASSKAMP. No. He, as I understand it, was sent up there by his local union to check with us to see whether there was anything they could do to help us along in the way of assistance, whether they could raise some money for us to help us in the assistance program, whether they could go and take any clothing collections or food collections. It is my understanding he talked to me about that, and that was what his purpose was.

Senator CURTIS. Was there a Mr. Prested there?

Mr. GRASSKAMP. Danny Prested was there a short time, right at the beginning of the strike; yes.

Senator CURTIS. Where was he from?

Mr. GRASSKAMP. He was from the skilled-trades department, also.

Senator CURTIS. Whereabouts?

Mr. GRASSKAMP. I do not know. I think his home was in Michigan.

Senator CURTIS. Someplace in Michigan. Was there a Mr. Fiore?

Mr. GRASSKAMP. I have already said that.

Senator CURTIS. Was there a Mr. Carpenter there?

Mr. GRASSKAMP. Clayton Carpenter is the international representative of region 10.

Senator CURTIS. Where does he live?

Mr. GRASSKAMP. I am not sure, but I think at the time he was stationed in Milwaukee, out of the Milwaukee office.

Senator CURTIS. He was not a Kohler employee?

Mr. GRASSKAMP. No; he was not.

Senator CURTIS. Was there a Mr. Kitzman?

Mr. GRASSKAMP. Harvey Kitzman is the regional director for region 10, of which local 833 is in that region.

Senator CURTIS. Where did he live?

Mr. GRASSKAMP. He lived in Racine, at the time, but his office was in Milwaukee.

Senator CURTIS. Was there a Mr. Sahorske?

Mr. GRASSKAMP. Frank Sahorske?

Senator CURTIS. Yes.

Mr. GRASSKAMP. Frank Sahorske was an international representative that assisted local 833 during the term of the first contract, and in the early negotiations he was present.

Senator CURTIS. Where did he live?

Mr. GRASSKAMP. He was the assistant director at that time, and his home was in Racine, Wis.

Senator CURTIS. Was there a Mr. Land there?

Mr. GRASSKAMP. I know a Mr. Boyce Land, who was up there for a short period of time. I wouldn't know just exactly what the period of time was. I would say a week or 10 days.

Senator CURTIS. And who was he?

Mr. GRASSKAMP. So far as I know, he was a member of local 212, the Briggs Co.

Senator CURTIS. Located where?

Mr. GRASSKAMP. Detroit, Mich.

Senator CURTIS. Was there a Mr. Wallich there?

Mr. GRASSKAMP. Frank Wallich?

Senator CURTIS. Yes.

Mr. GRASSKAMP. Frank Wallich—

Senator CURTIS. I don't know what his first name was.

Mr. GRASSKAMP. Frank Wallich came up there just periodically, because he was with the publicity department.

Senator CURTIS. And where did he live?

Mr. GRASSKAMP. He lived in Milwaukee, Wis.

Senator CURTIS. In Milwaukee. Now, do you think of any other people who participated in this mass picketing who were not employees of Kohler?

Mr. GRASSKAMP. I do not recall any other names.

Senator CURTIS. And these people that you have testified about; you know them all?

Mr. GRASSKAMP. I know them; yes.

Senator CURTIS. You could identify them in pictures, could you?

Mr. GRASSKAMP. I could; yes.

Senator CURTIS. Were those men there the morning the mass picketing started?

Mr. GRASSKAMP. No; I don't think they were all there the morning the mass picketing started.

Senator CURTIS. But some of them were?

Mr. GRASSKAMP. Some of the international representatives from region 10 were there; yes.

Senator CURTIS. Who do you recall was there that morning?

Mr. GRASSKAMP. Well, I recall that specific morning, the regional director, Harvey Kitzman; the assistant director, Frank Sahorske; Raymond Majerus; Jesse Ferrazza, who had been in there assisting us in trying to negotiate a contract; Donald Rand. That is all I can say that were there, specifically, that morning.

Senator CURTIS. What time of day did that mass picketing start?

Mr. GRASSKAMP. Five o'clock in the morning.

Senator CURTIS. Five o'clock in the morning. And how many men showed up, would you say?

(At this point, Senator McNamara entered the hearing room.)

Mr. GRASSKAMP. I would say there was better than 2,000; between 2,000 and 2,500 people.

Senator CURTIS. And where did they congregate?

Mr. GRASSKAMP. They congregated at all the gates, all the entrances to the plant.

Senator CURTIS. How many gates are there?

Mr. GRASSKAMP. There was three actual gates where the entrances to the plant are. There is more, but the other ones were not open.

Senator CURTIS. And about the same number at each one of these places?

Mr. GRASSKAMP. No. I would say that the vast majority were out in the front of the plant, demonstrating their majority to the company.

Senator CURTIS. The vast majority were out in front of the plant?

Mr. GRASSKAMP. That is right.

Senator CURTIS. About how many were out there?

Mr. GRASSKAMP. I would say probably 1,800 to 2,000 in front of the plant.

Senator CURTIS. How many people were employed at that time?

Mr. GRASSKAMP. 3,344, I think, is the exact number.

Senator CURTIS. And you are pretty sure there was no one there other than these people that you have mentioned in your testimony in addition to Kohler employees?

Mr. GRASSKAMP. There may have been 1 or 2 others, but I don't remember their names at this time, if there were. This was only 10 or 15 people out of some 2,000 that were out there in front of that plant that morning.

Senator CURTIS. How close a formation did they form in front of the plant?

Mr. GRASSKAMP. I didn't understand your question.

Senator CURTIS. How close a formation, and how did that 2,000 congregate?

Mr. GRASSKAMP. They walked in a circle, right in back of each other.

Senator CURTIS. Were there any workers who went through?

Mr. GRASSKAMP. No, sir.

Senator CURTIS. Did any try?

Mr. GRASSKAMP. I don't recall any of them trying that first morning.

Senator CURTIS. Did anyone try in a subsequent morning?

Mr. GRASSKAMP. In what?

Senator CURTIS. In any morning following that, did any of them try?

Mr. GRASSKAMP. There were other mornings that I assumed that the people that did come from across the street had intentions of probably going in to work. I don't think that the company wanted them to go to work, but I think that probably, they had intentions.

Senator CURTIS. There were some that intended to go through?

Mr. GRASSKAMP. That is my thinking. I don't know what their intentions were.

Senator CURTIS. Did they get through?

Mr. GRASSKAMP. No; they did not.

Senator CURTIS. What happened?

Mr. GRASSKAMP. Well, we said right from the beginning of the strike that if anybody knew of any of the people that worked at Kohler, that if they did not know whether they were with us or not they ought to go talk to them, and they were with us or not they ought to go talk to them, and they ought to try to convince them of our righteous cause, for decent working conditions, and decent wages at the Kohler Co.

They ought to try to convince them that our cause is just, and since the majority was there on the picket line, they ought to join them.

Senator CURTIS. Well, now what happened to the people who tried to go through there? That was my question.

Mr. GRASSKAMP. As I understand it, they talked to them. They met them. They met them after they got across the street and they talked to them.

Senator CURTIS. Was there any violence?

Mr. GRASSKAMP. No violence, no.

Senator CURTIS. No violence?

Mr. GRASSKAMP. No violence. I saw none.

Senator CURTIS. Now, the opening morning or any time, is that correct?

Mr. GRASSKAMP. On the picket line, you are speaking of?

Senator CURTIS. Yes.

Mr. GRASSKAMP. That is right.

Senator CURTIS. At no time?

Mr. GRASSKAMP. At no time. The only violence that I know of was levied against me, myself.

Senator CURTIS. By whom?

Mr. GRASSKAMP. I do not know. I would like to know.

Senator CURTIS. Where were you when it happened?

Mr. GRASSKAMP. I was home in bed when it happened, when my house was stoned.

Senator CURTIS. What was the date of that?

Mr. GRASSKAMP. September 1, 1954.

Senator CURTIS. What damage was done?

Mr. GRASSKAMP. A broken picture window, and two dents in the side of the house below the window.

Senator CURTIS. What time of the night was that?

Mr. GRASSKAMP. As I remember, it was somewhere between 11 and 11:30 in the evening.

Senator CURTIS. To whom did you report it?

Mr. GRASSKAMP. I reported it to the Kohler Co., and to the city police department.

Senator CURTIS. When did you report it?

Mr. GRASSKAMP. Immediately.

Senator CURTIS. Was there an investigation?

Mr. GRASSKAMP. Yes, the police came to the house and investigated.

Senator CURTIS. What did they find out?

Mr. GRASSKAMP. All they found was a couple of rocks laying right down in the flowerbed in front of the window.

Senator CURTIS. Who did they find threw them?

Mr. GRASSKAMP. What was that, sir?

Senator CURTIS. Who did they find, or did they find out who threw them?

Mr. GRASSKAMP. Not to my knowledge, they didn't.

Senator CURTIS. But you had a picture window broken?

Mr. GRASSKAMP. That is correct.

Senator CURTIS. Was there a strike vote prior to this strike?

Mr. GRASSKAMP. There was a strike vote in March.

Senator CURTIS. In March?

Mr. GRASSKAMP. Yes, sir.

Senator CURTIS. How did the strike vote come out?

Mr. GRASSKAMP. There was better than 2,000 people at the meeting, and the strikers voted or the people at the meeting voted 88.1 percent in favor of striking.

Senator CURTIS. There is a record of that, is there?

Mr. GRASSKAMP. To my knowledge, there is.

Senator CURTIS. Who has the record?

Mr. GRASSKAMP. If it is in the material that was subpoenaed by the committee, they should have it.

Senator CURTIS. Now, what percent of the members were at the meeting?

Mr. GRASSKAMP. The percentage of the membership, you mean?

Senator CURTIS. Who were at the meeting, yes.

Mr. GRASSKAMP. I would say approximately 80 percent of the members.

Senator CURTIS. Well, now, isn't it true that there were over 3,300 employees?

Mr. GRASSKAMP. 3,344.

Senator CURTIS. Isn't it true that on the strike vote on March 10, a vote of "Yes," there were 1,105 votes?

Mr. GRASSKAMP. This was a process that everybody had to identify themselves and everybody had to get a secret ballot, and many people did not vote. There were many people walked out of the meeting, and had voiced as they left that if the people voted for a strike, they would be in favor of it, and they left the meeting.

Senator CURTIS. Is it not true that there were 1,105 people who voted for a strike?

Mr. GRASSKAMP. I do not know that to be the fact, at this point. I have not that memory or that figure in mind.

Senator CURTIS. If the record so shows, that is correct?

Mr. GRASSKAMP. If the minutes of our executive board meeting show that, I will accept it.

Senator CURTIS. And 104 voted "no"?

Mr. GRASSKAMP. If that is what the record shows.

Senator CURTIS. And there was one ballot that was blank?

Mr. GRASSKAMP. If that is what the record shows, it would show it was 11 to 1 vote in favor of it.

Senator CURTIS. That made 1,254 people participating in the election?

Mr. GRASSKAMP. That could be, if that is what the record shows.

Senator CURTIS. What percent would 1,254 be of the total number of employees?

Mr. GRASSKAMP. Certainly, Mr. Chairman, anybody that was not a member is not entitled to operate and to vote in the functions of the union.

Senator CURTIS. About 35 percent, in other words?

Mr. GRASSKAMP. Of the total number of employees, you mean?

Senator CURTIS. Yes.

Mr. GRASSKAMP. But the other ones who were not members certainly, Mr. Senator, were not entitled to cast a ballot.

Senator CURTIS. How many members did you have in the union at that time?

Mr. GRASSKAMP. I would say around 2,400 to 2,500.

Senator CURTIS. And approximately half of them voted one way or the other on this?

Mr. GRASSKAMP. That is correct, but 90 percent that voted, voted for the strike.

Senator CURTIS. Now in preparing for this strike, what financial arrangements did the local union make with anybody else in support of this strike?

Mr. GRASSKAMP. There was no financial arrangement made, other than that we had the promise of the international union, through their strike fund, that they would assist us.

Senator CURTIS. Who delivered that promise?

Mr. GRASSKAMP. At this point, I would say it was either the secretary-treasurer or the regional director.

Senator CURTIS. Who was the secretary-treasurer?

Mr. GRASSKAMP. Emil Mazey.

Senator CURTIS. Who is the regional director?

Mr. GRASSKAMP. Harvey Kitsman.

Senator CURTIS. How did they convey that information to the union?

Mr. GRASSKAMP. They spoke at the membership meetings and they met with the executive board.

Senator CURTIS. Now did you have arrangements made for the support from other unions in the locality—to support your strike?

Mr. GRASSKAMP. There was no arrangements made for them to support it financially or any other way. We did have the moral support of these people.

Senator CURTIS. What unions?

Mr. GRASSKAMP. All of the local unions in the city of Sheboygan.

Senator CURTIS. All of them?

Mr. GRASSKAMP. Yes, sir.

Senator CURTIS. There were no dissenters?

Mr. GRASSKAMP. No dissenters, and they all sanctioned our cause.

Senator CURTIS. Unions of all complexions and affiliation?

Mr. GRASSKAMP. That is correct.

Senator CURTIS. What particular unions did you discuss your plans for the strike with before it was called?

Mr. GRASSKAMP. No one other than the international union.

Senator CURTIS. Now what other preparations were made for the strike?

Mr. GRASSKAMP. Well, at the time the preparations were made, we notified the company that they could contact us on the Sunday before the strike started, that we were willing and ready to resume the negotiations and sit down and work out an agreement. This company has seen fit to object and disagree with all proposals made.

Senator CURTIS. We will come to that. My question was: What other preparations did you make for the strike?

Mr. GRASSKAMP. We made preparation for a strike kitchen.

Senator CURTIS. What is that?

Mr. GRASSKAMP. A strike kitchen.

Senator CURTIS. What is that?

Mr. GRASSKAMP. That is a place where coffee was made, doughnuts were delivered there, and these were in turn supplied to the people on the picket line.

Senator CURTIS. What other arrangements did you make?

Mr. GRASSKAMP. At present, to my knowledge, that is all.

Senator CURTIS. What were these arrangements for financial support and promises of financial support that were furnished by your international officers?

Mr. GRASSKAMP. Well, the policy of the international union at that time was that strike assistance was based on need, and there is no definite plan. It depended on the need of the striker.

Senator CURTIS. How much money was made available to support the strike?

Mr. GRASSKAMP. They never limited it to any amount.

Senator CURTIS. There was no limit?

Mr. GRASSKAMP. It was given to the strikers on the basis of what they needed.

Senator CURTIS. How much money was spent?

Mr. GRASSKAMP. Well, I do not have the entire access to the financial records, but to my knowledge it was around \$10 million to this date.

Senator CURTIS. Around \$10 million?

Mr. GRASSKAMP. Yes, sir.

Senator CURTIS. Who furnished that?

Mr. GRASSKAMP. It came out of the international union's strike fund.

Senator CURTIS. And from what city would that come?

Mr. GRASSKAMP. That would come from Detroit, Mich. There were some local unions that took up collections or made a contribution from their local union, but this was minor, and this was a small percentage of the overall expense.

Senator CURTIS. But your estimate of \$10 million came from the UAW strike fund?

Mr. GRASSKAMP. That \$10 million came from the strike fund, you say?

Senator CURTIS. Yes.

Mr. GRASSKAMP. Yes, to my knowledge.

Senator CURTIS. Where does that strike fund get their money?

Mr. GRASSKAMP. That is set aside by the members in each month's dues dollar, a definite amount of that is set aside and put into a strike fund each month.

Senator CURTIS. That is all UAW members?

Mr. GRASSKAMP. That is correct.

Senator CURTIS. In all locals?

Mr. GRASSKAMP. All locals, yes.

Senator CURTIS. Who has charge of that fund, and who determines whether or not money will be spent on that?

Mr. GRASSKAMP. I am sorry, I cannot say. I assume that it is the international union executive board.

Senator CURTIS. Who makes up the international union executive board?

Mr. GRASSKAMP. The officers, President Walter Reuther, and Secretary-Treasurer Emil Mazey, and the vice presidents, and the regional directors.

Senator CURTIS. How many vice presidents do you have?

Mr. GRASSKAMP. Four.

Senator CURTIS. Will you name them?

Mr. GRASSKAMP. Richard Gosser.

Senator CURTIS. Where does he live?

Mr. GRASSKAMP. I do not know where these people live, and where they have their homes.

Senator CURTIS. All right.

Mr. GRASSKAMP. Leonard Woodcock, Norman Matthews, and Pat Greyhouse.

Senator CURTIS. Who is the chairman of the executive committee?

Mr. GRASSKAMP. Walter Reuther.

Senator CURTIS. Now, in the way of any other preparation, did you have a strike manual?

Mr. GRASSKAMP. A strike manual?

Senator CURTIS. Yes.

Mr. GRASSKAMP. No.

Senator CURTIS. You never have seen one?

Mr. GRASSKAMP. I have never seen a strike manual, no.

Senator CURTIS. You are pretty sure there was none prepared?

Mr. GRASSKAMP. Not to my knowledge, except that we issued instructions to the pickets.

Senator CURTIS. Instructions to the pickets?

Mr. GRASSKAMP. That is correct.

Senator CURTIS. And in writing?

Mr. GRASSKAMP. In writing.

Senator CURTIS. How often?

Mr. GRASSKAMP. First it was stated to them orally at the meeting, the Sunday before the strike started. We issued those instructions to them from the platform when we spoke to them, when they rejected the company's offer and approved of going on strike on Monday morning.

They were issued that there was to be no violence and no vandalism and no drinking on the picket line, and they were to do no damage to any one.

Senator CURTIS. How about property?

Mr. GRASSKAMP. Property was included in it.

Senator CURTIS. Was there any property damaged?

Mr. GRASSKAMP. Not to my knowledge.

Senator CURTIS. No cars turned over?

Mr. GRASSKAMP. Not to my knowledge.

Senator CURTIS. Was any individual hit or assaulted?

Mr. GRASSKAMP. If there were, I didn't see it, and I was there every morning.

Senator CURTIS. What are you talking about there, the entire duration of this strike that began on April 4, 1954?

Mr. GRASSKAMP. That is correct.

Senator CURTIS. It is your statement that to your knowledge no cars were turned over, and no one was hit or assaulted?

Mr. GRASSKAMP. To my personal knowledge, no. Through the newspaper articles, I have read that there had been some.

Senator CURTIS. Now, other than what appeared in the newspapers, you have no knowledge of any car being turned over, or other property damaged?

Mr. GRASSKAMP. No, sir.

Senator CURTIS. None at all?

Mr. GRASSKAMP. Other than my own.

Senator CURTIS. Other than your own?

Mr. GRASSKAMP. That is right.

Senator CURTIS. And you have no knowledge other than through the newspapers that there was any individual hurt in any way?

Mr. GRASSKAMP. That is correct.

Senator CURTIS. Now, was there a strike manual prepared any place else and brought into this area for use?

Mr. GRASSKAMP. Not that I know of.

Senator CURTIS. Would you say there was not?

Mr. GRASSKAMP. I do not know. To my knowledge, I do not know.

Senator CURTIS. What office in the union did you hold at this time?

Mr. GRASSKAMP. President of the local.

Senator CURTIS. If there had been a strike manual, you would have known about it?

Mr. GRASSKAMP. I would have.

Senator CURTIS. So then it is your statement that there was none?

Mr. GRASSKAMP. That is correct.

Senator CURTIS. Now, did you have a pass system?

Mr. GRASSKAMP. Well, when the strike started, we offered this company, and we sat down and we said to this company, "Let us provide the necessary men for maintenance of the plant."

This company refused, and said "We do not need your help. We will get our own help." Then at that point there was no specific system worked out in advance. But when the strike started, we had people come to us and ask us for a pass. They stated their reasons.

Many people did not get a pass, and they still went into the company, and many people came to us and they got passes.

Senator CURTIS. Did you work out any system for that?

Mr. GRASSKAMP. Yes. We had a person stationed in what we called the soup kitchen, that if anybody came in and wanted one, he was there to issue it to him.

Senator CURTIS. But they did not issue them to all?

Mr. GRASSKAMP. No, sir.

Senator CURTIS. How many people requested them?

Mr. GRASSKAMP. There were a number of them that requested passes, roughly, that I can remember, I would say half a dozen or so.

Senator CURTIS. Would you repeat the answer?

Mr. GRASSKAMP. To my knowledge, that I can remember, which is 4 years ago, I would say that I remember half a dozen maybe that came and asked for passes.

Senator CURTIS. Who did not get them?

Mr. GRASSKAMP. Oh, no, they got them. To my knowledge, everybody that asked for one got one.

Senator CURTIS. Now coming back to this question of violence either to persons or property, you did not have a conversation with anyone in reference to any violence to a person or destruction of property other than this one window in your own home, is that correct?

Mr. GRASSKAMP. I discussed the company's preparations with people, yes.

Senator CURTIS. No, I am not talking about preparations. I am talking about instances of violence. Did you ever discuss with anybody any instances of violence either to a person or destruction of property with the exception of this case where the rocks were thrown in your window?

Mr. GRASSKAMP. No, I never discussed it, with the exception that many other of our people had nails in their tires, and they had their

tires cut, and I have talked with people like that, who had paint thrown on their cars.

Senator CURTIS. Well, then, what you said a bit ago, that you know of none of that other than what you read in the paper, does not include the information that you picked up in conversations?

Mr. GRASSKAMP. You were talking of company violence.

Senator CURTIS. What is that?

Mr. GRASSKAMP. You were talking of company violence, were you not?

Senator CURTIS. No. I was talking about violence on both sides.

Mr. GRASSKAMP. Violence on both sides. I know of people that had paint on their cars—and union people—and they got their tires cut, and they had nails in their tires, and I know of people like that, yes.

(At this point the following members were present: Senators McClellan, Ives, Ervin, Curtis, and Goldwater.)

Senator CURTIS. Did you see it happen?

Mr. GRASSKAMP. No, I didn't see it happen. I saw the paint on the car, but I didn't see it happen.

Senator CURTIS. This denial that you said you saw nothing of cars turned over or no one hurt, no one hit or assaulted, were you confining your answer to actions of the company only?

Mr. GRASSKAMP. I was refering my answer, and I understood your question to be, against company people.

Senator CURTIS. No, I mean against anybody. I am not interested in the company or the union. I want to know how much violence took place there.

Mr. GRASSKAMP. If your question is to cover both sides, then I must say that personal knowledge—I have knowledge of my own window being broken.

Senator CURTIS. Yes?

Mr. GRASSKAMP. I do have knowledge of at least one of our people with paint on his car. I have knowledge of one of our people with acid on his car. I have knowledge of a number of people who had their tires cut. I have knowledge of a number of people who had nails put in their tires. I have knowledge of one party who had his convertible top cut.

Senator CURTIS. These were workers?

Mr. GRASSKAMP. Most of them were workers, yes.

Senator CURTIS. Were they people who were joining in the strike?

Mr. GRASSKAMP. They were people who were participating in the strike, correct.

Senator CURTIS. Do you know of any damage to property to employees who were not joining in the strike?

Mr. GRASSKAMP. Of what I have read in newspaper articles, yes, sir.

Senator CURTIS. I mean other than newspapers.

Mr. GRASSKAMP. No, sir.

Senator CURTIS. In other words, the only violence that you know of was the violence done to strikers?

Mr. GRASSKAMP. That is right, other than newspaper articles that appeared in the newspapers. We have continuously, on a radio program and in our strike bulletin, and in our Kohlerian, we have said

many times that this is not the actions of the union. The union neither encourages it nor condones it.

Senator CURTIS. Coming back to this overturning of cars, all you know about that is what you read in the newspapers?

Mr. GRASSKAMP. That is correct.

Senator CURTIS. You talked to no one who participated in overturning cars?

Mr. GRASSKAMP. That is right.

Senator CURTIS. You talked to no one whose car was overturned?

Mr. GRASSKAMP. I know of no one.

Mr. Chairman, at this time, may I submit this in evidence? This is a copy of the union's disavowals.

The CHAIRMAN. You may present it for the committee's consideration. I will not admit it in evidence until we have had an opportunity to examine it.

Mr. RAUH. May we identify it, sir?

The CHAIRMAN. You may state what you are submitting.

Mr. RAUH. This is UAW Exhibit 1, a composite exhibit on union efforts to prevent violence in UAW-Kohler strike.

The CHAIRMAN. It may be presented for the committee's inspection at this time. It will not go in evidence, as such, it is too voluminous for that. If accepted, it will be accepted as an exhibit for reference.

Senator CURTIS. You have a newspaper called the Kohlerian?

Mr. GRASSKAMP. It is now called the Reporter.

Senator CURTIS. What was it called at that time?

Mr. GRASSKAMP. Kohlerian.

Senator CURTIS. Did you print in that paper the names and license numbers of employees who went through the picket line?

Mr. GRASSKAMP. Not that I remember at this time that we did.

Senator CURTIS. Did you say you did not?

Mr. GRASSKAMP. I would say at this time I don't know. I am not sure whether we did or not. I don't think we did.

Senator CURTIS. Who was responsible for the printing?

Mr. GRASSKAMP. The printing of it?

Senator CURTIS. Yes. Who published it?

Mr. GRASSKAMP. The Kenosha Labor News did the publishing of it.

Senator CURTIS. No. Who in your union ran the publishing of the paper?

Mr. GRASSKAMP. The recording secretary of our local and the international representative on publicity, jointly.

Senator CURTIS. You would have something to do with it, too?

Mr. GRASSKAMP. Would I?

Senator CURTIS. Yes.

Mr. GRASSKAMP. No. I am sure many times I did not see it until the paper came out, what was in it.

Senator CURTIS. So if there was anything in there, you didn't know anything about it?

Mr. GRASSKAMP. That is correct.

Senator CURTIS. And you don't know anything about it now?

Mr. GRASSKAMP. No.

Senator CURTIS. That is all.

The CHAIRMAN. The Chair has casually examined this document which was presented.

Was this document prepared under your direction or supervision?

Mr. GRASSKAMP. Under my knowledge.

The CHAIRMAN. Are you prepared to state under oath, according to the best of your knowledge, that the contents and information in this document is true?

Mr. GRASSKAMP. Yes, sir.

The CHAIRMAN. Without objection, the Chair will make this document exhibit No. 1 for reference.

Senator CURTIS. When was it prepared?

Mr. GRASSKAMP. This was prepared within the last 2 or 3 weeks.

Senator CURTIS. The last 2 or 3 weeks?

It is not a document that was prepared at the time?

Mr. GRASSKAMP. But the contents in there were things that appeared way back as far as April 5, 1954.

Senator CURTIS. But it is something that was prepared in the last 2 or 3 weeks?

Mr. GRASSKAMP. That is correct.

Senator CURTIS. Does it include a complete assembling of all documents and like bulletins that were used?

Mr. GRASSKAMP. No, sir.

Senator CURTIS. In other words, it was a part of them that you selected and compiled in the last 2 or 3 weeks; is that correct?

Mr. GRASSKAMP. It is a part of all the disavowals. To my knowledge, it is all the disavowals and the action of the local union demonstrating that we did not want violence and vandalism.

Senator CURTIS. In other words, it is things that you picked out to show your disavowals?

Mr. GRASSKAMP. Correct.

Senator CURTIS. And you assembled it in the last 2 or 3 weeks?

Mr. GRASSKAMP. That is right.

Senator CURTIS. And they are all originals??

Mr. GRASSKAMP. No. They are copies of them, but it also includes—

Senator CURTIS. When were the copies made?

Mr. GRASSKAMP. Within the last 2 or 3 weeks.

Senator CURTIS. Where are the originals?

Mr. GRASSKAMP. The originals, I would say that either we would have them, the committee would have them, or they would be in the Sheboygan office, on stuff that was returned.

Mr. RAUH. We will provide any originals that are not in the committee's hands.

Senator CURTIS. I didn't get the counsel's statement.

Mr. RAUH. We will provide any originals not now in the committee's hands. This is an authentic copy, Senator.

Mr. GRASSKAMP. This also includes the union's reward of \$1,000 for the apprehension of violence and vandalism.

Senator CURTIS. That is all.

The CHAIRMAN. Is there any objection to this being made an exhibit for reference only?

Senator CURTIS. No objection.

The CHAIRMAN. The Chair hears none. It is so ordered. It will be made exhibit 1 for reference.

(The document was marked "Exhibit No. 1" for reference, and may be found in the files of the select committee.)

The CHAIRMAN. Senator Ives?

Senator IVES. Mr. Chairman, I think something should be pointed up here to clarify the record so far with respect to what the witness had to say about the picketing. Insofar as I was able to determine, there was nothing in the picketing which occurred which he described which in any way, shape, or manner was in violation of the Taft-Hartley Act. I think that should be shown. That is all.

I make that comment.

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. It is true, Mr. Grasskamp, is it not, that employees came across the street to attempt to get into the plant during the period of time of the mass picketing?

Mr. GRASSKAMP. I would think that that is why they came across.

Mr. KENNEDY. And that mass picketing lasted from April 5 until it was cut off in the early part of May. Was it stopped in the early part of May?

Mr. GRASSKAMP. The early part of May.

Mr. KENNEDY. That was because the Wisconsin Labor Board intervened?

Mr. GRASSKAMP. There was an agreement in the early part of May that the union would reduce their picket line down to 35 people at each gate, and that the company would sit down with the union and negotiate in good faith and try to work out an agreement. The company did not live up to their end of this agreement.

Mr. KENNEDY. What do you mean "the company did not"? Didn't you start the mass picketing within 2 or 3 days of the time of that agreement?

Mr. GRASSKAMP. My understanding, and as I know it, the agreement was that we were to meet on May 6, 7, or 8, or 7, 8, and 9, 3 days. After 4 years later, I am not too clear. But it is those 3 days. And that the company was to sit down with us and negotiate in good faith and try to work out an agreement. During this negotiation, we asked the company to meet. They met with us on Friday. We asked them to meet Friday night. We asked them to meet Saturday. We asked them to meet Saturday night, Sunday, and Sunday night, and they refused; and, as stated by the chairman of the management committee, he said the number of people that came into that plant to work on Monday morning would have some reflection on their attitude that he could take back to the president of that company, and maybe they would then make some concession. When they refused to meet, we resumed back to the type of picketing we had before May 6.

Mr. KENNEDY. So you resumed the mass picketing on what date?

Mr. GRASSKAMP. On the 10th, if my dates are correct.

Mr. KENNEDY. The following Monday?

Mr. GRASSKAMP. The following Monday.

Mr. KENNEDY. The mere fact that they refused to meet with you over the weekend, on Saturday and Sunday, you resumed the mass picketing on Monday; is that right?

Mr. GRASSKAMP. They refused to live up to their end of the agreement.

Mr. KENNEDY. And you felt that their end of the agreement necessitated their meeting on Saturday and Sunday?

Mr. GRASSKAMP. Yes.

Mr. KENNEDY. And for how long did it go on after that?

Mr. GRASSKAMP. To the end of May.

Mr. KENNEDY. And it stopped then?

Mr. GRASSKAMP. Yes. We agreed to the Wisconsin Employment Relations Board order.

Mr. KENNEDY. Wasn't there a court order then?

Mr. GRASSKAMP. What is that?

Mr. KENNEDY. Wasn't there a court order?

Mr. GRASSKAMP. No. There was not a definite court order at the end of May.

(The witness conferred with his counsel.)

Mr. GRASSKAMP. They used the word "stipulation." I was going to say "agreement," that we would abide by the Wisconsin employment order.

But this was always peaceful picketing. You have to keep in mind that the company's preparation, their moving of cots into the plant, their moving of food into the plant.

There is testimony which was later borne out, and which we had practical knowledge of it at the time. We had our suspicions of it, that this company was well again equipped as in 1934, when 2 were killed and 47 wounded; that they had guns, and they had tear gas. Our people were out there altogether, because they were going to see that this stuff wasn't used on the people in 1954 as was done in 1934.

The CHAIRMAN. Let me get one point cleared up. There was a question asked you about a court order. I believe you said a stipulation was entered into. Therefore, there was a court proceeding in which the union stipulated that it would reduce its picketing force. Am I correct?

Mr. GRASSKAMP. That is correct.

The CHAIRMAN. I was trying to get the record clear on that point. Senator Ives?

Senator IVES. I just want to ask one question of the witness. Has the company at any time since this started in 1954, has the company at any time been willing to sit down and talk or negotiate with the representatives of your union?

At this point, Senator Curtis withdrew from the hearing room.)

Mr. GRASSKAMP. Well, they have at times been requested to come in meetings. The Federal Conciliation Service called many meetings. But every time that it appeared as though we were starting to make a little progress, they raised more obstacles. They were bringing in new obstacles. I would like to give you a good example of that.

In June of 1954, we thought we were making progress along the lines of hospital and medical insurance. But during this, it comes out the company's interpretation of what we once thought was an agreement.

We had once thought that we had an agreement on seniority, not to our liking but on a compromise basis that we could settle and get a contract with this company and end the strike.

We originally asked for plant seniority. The company said: This can't be done." They said "It has to be by departments." We agreed that it would be by department. Then the company said that "We have to have a clause in there which allows us to deviate to the extent of 10 percent." In these discussions, the understanding of the 10 percent, and it was in the previous contract, and it was everybody's

understanding that that is what it meant at the time, if the company had a layoff, and they had to keep some key people to maintain their plant, and in order to keep their departments going, they could deviate from seniority to the extent of 10 percent. Then in June of 1954, when we thought we were starting to make a little progress, we thought we were starting to get some agreement on medical insurance and hospital insurance, then lo and behold comes the company's interpretation of the 10 percent, in which they say "Oh, no; this isn't our opinion. This isn't why we want to use this 10 percent. We have a lot of people on our payrolls—" They didn't say this, but I said giving them the best years of their life—they said, "Who may have been here for a long time. We have never taken the time to fire them or bother to fire them. But we may want to exercise this and take them out of the bargaining unit and use them in the layoff."

Then we get into the position of what is that to be? Our position was if this is to take place, they wanted to lay off 20 people, and exercise the 10 percent, they could lay off the 18 from the bottom, but if they wanted to keep 2, the next 2 would be kept. But they said, "Oh, no, this would be the guy with the most seniority in the department."

At that time we had a disagreement on the application of the 10 percent. This is what happened along the lines. There are many people who offered to arbitrate the strike. I can specifically remember coming here to Washington to appear before a subcommittee on a bill which was up at the time—

Senator IVES. Was I on that subcommittee?

Mr. GRASSKAMP. You were on that, Mr. Ives.

Senator IVES. I well remember.

Mr. GRASSKAMP. It was up at the time which dealt with the issuing of contracts with companies on strike and their failure to deliver. I specifically remember the remarks of the company's chairman of the management committee who said he didn't come here to try to settle the strike, and there was no magic air in Washington, that he came here to appear before the bill, and that is all he would discuss here.

Senator IVES. You will remember we settled one strike that time.

Mr. GRASSKAMP. The day before you did. I remember that.

Senator IVES. The question I want to ask you in this connection is was that the same gentleman to whom you are referring at the hearing, is he the one with whom you carried on your negotiations to which you refer?

Mr. GRASSKAMP. Yes, on the company side of the table, Lyman C. Conger.

Senator IVES. All of your negotiations were with him, and you didn't have negotiations with the president or the chairman?

Mr. GRASSKAMP. We asked the president of the Kohler Co. We sent him a letter asking him to participate before the strike started. We asked him to come down and sit into the meetings. It was our suspicion that he wasn't getting the facts, and we felt he ought to be there and ought to hear our side of the story. He refused and said that as long as we were demanding what we were, there was no point in any further negotiations whatsoever.

Senator IVES. Thank you very much.

Mr. KENNEDY. The mass picketing, then, continued until the end of May?

Mr. GRASSKAMP. That is correct.

Mr. KENNEDY. And during that period of time, there were instances where the employees, people that disagreed with the UAW, attempted to get into the plant, were there not?

Mr. GRASSKAMP. I assume that was their intentions.

Mr. KENNEDY. And isn't it a fact that those who were the pickets were walking so closely together or with their arms through one another's that it was impossible to get into the plant?

Mr. GRASSKAMP. Let me just—

Mr. KENNEDY. Isn't that correct?

Mr. GRASSKAMP. They were walking there, yes. But let me explain. First of all, you have to recognize—I hope and we hope to show—that the company had no intentions and did not want these people into the plant, because they never made any effort to go into that plant until the company first had all their equipment set up on the top of the guardhouse, in back of the employment office. Then I specifically remember, whether it was the second or third week of the strike—it is now beyond my memory, but I know it was either the second or third week of the strike—I happened to be looking back at the guardhouse in back of the employment office, where their cameras and everything was set up, because we were always keeping an eye out, and fearful of the tear gas and what happened in 1934.

I looked at the top of the employment office and saw the blind go up, and at that point saw the plant manager, Edward Beaver, wave to the people, and then the people came across the street. I say the people were goaded to come across the street. I don't think they wanted in there. The company has a perfect right, under Wisconsin Employment Relations Board, if they are not satisfied with mass picketing, and if they claimed it was mass picketing, on April 4, they could have gone to the Wisconsin Employment Relations Board on April 5 and could have gotten the same results they got.

But they didn't. They chose to wait. They chose to wait a couple of weeks, because there was fellows like myself and other people who did not take all of this stuff from the company, did not accept the answer and the way they pushed people around, and we were willing to fight for the workers.

There was many times that many of us almost got discharged because we fought as hard as we did for the workers.

Mr. KENNEDY. Mr. Grasskamp, whether they wanted them in there or not, there were individuals that wanted to get into the plant and work, were there not?

Mr. GRASSKAMP. I assume that was their intentions.

Mr. KENNEDY. And you and the other pickets kept those people out of the plant, isn't that correct?

Mr. GRASSKAMP. Well, we—

Mr. KENNEDY. Isn't it correct you would not allow them through the line?

Mr. GRASSKAMP. They did not go through the line, that is correct.

Mr. KENNEDY. Isn't it a fact that you people were there, 2,000 of you? How many of you were there and kept them out of the plant?

Mr. GRASSKAMP. I would say that may be correct. We may have made some mistakes in this strike. I don't know. I don't know if we had to do it over again, whether we would do the same thing or we wouldn't.

Mr. KENNEDY. It is a fact that you kept the people out of the plant, did you not, when they wanted to come into the plant?

Mr. GRASSKAMP. Yes.

Mr. KENNEDY. Do you agree that was a mistake, now?

Mr. GRASSKAMP. Well, when you have a number of people like we had, with the conditions that were in that plant, and these people are on that picket line, and these people are hungry, they are fighting for their wife and children not for themselves—I will never regain what I have lost during this strike. But I intend to see to it that there is going to be a time when if my son, which I very much doubt now, will ever be able to go to work for the Kohler Co., he will not have to work under the conditions that I did.

When I see people wanting to go into that plant to steal our jobs, and to take our jobs away from us, I suppose that maybe tempers are not always what they should be.

Mr. KENNEDY. What do you say, when you talk about the conditions in the plant? What do you mean by that?

Mr. GRASSKAMP. I am talking about first of all, many times, in most plants, where there is better jobs, where there is higher-paying jobs, where there is easier jobs, the men with the most seniority get an opportunity to do these jobs. This was not true at Kohler. When I first became active in the independent union there was people working on some of the hardest jobs in the casting shop department that had 25 and 29 years of seniority in that place. They never had an opportunity to get these easier jobs. The worst job in the casting shop, in the pottery at Kohler, is the casting of bowls, and that is where these guys were.

They never got the right, even though they asked for it, to get a job casting lavatories, stoves, or tanks. Today some of those people, even though they are not on our side, and are working in that plant, are there because we were willing to stand up and fight and argue for the right for them to be there.

Senator GOLDWATER. May I ask a question on picketing?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Before we get away from the subject of mass picketing, I wanted to ask Mr. Grasskamp a few questions.

Mr. Grasskamp, was there a strike committee formed in the union?

Mr. GRASSKAMP. Yes.

Senator GOLDWATER. Who were the members of that?

Mr. GRASSKAMP. The strike committee included the executive-board members and the chief steward.

Senator GOLDWATER. And you were a member of that?

Mr. GRASSKAMP. I was chairman; yes.

Senator GOLDWATER. And you would know pretty much what went on in the plant before the strike and in the operation of the strike?

Mr. GRASSKAMP. That is correct.

Senator GOLDWATER. Were you aware when the strike was called that it was against the Wisconsin law to have mass picketing?

(At this point, Senator Ives withdrew from the hearing room.)

Mr. GRASSKAMP. Well, I suppose if you say that it is against the Wisconsin law, there is a law in Wisconsin against egress to a plant or the blocking of roads, which is what I was talking about before, that the company could have used this, this board. They could have used it on April 5. But they didn't choose to do so. They waited 2

to 3 weeks until they had enough evidence, on the people that they were in opposition to, to discharge. They could have used that, the very first day.

Senator GOLDWATER. Did you know that it was a violation of the law to hold mass picketing when you started the strike?

Mr. GRASSKAMP. Not exactly a law. I am not——

Senator GOLDWATER. Did you know it was against the law to prevent people from going to work by a picket line?

Mr. GRASSKAMP. It is not against the law, as such.

Mass picketing is not against the law as such.

Senator GOLDWATER. Preventing people from going to work is against the Wisconsin law.

Mr. GRASSKAMP. That's against the law, but not mass picketing.

Senator GOLDWATER. As a member of the strike committee, did you know about this?

Mr. GRASSKAMP. That mass picketing was against the law?

Senator GOLDWATER. No. You know what I am getting at. Did you know, as a member of the strike committee, that preventing a person from going on to work was against the law, the Wisconsin law?

(The witness conferred with his counsel.)

Mr. GRASSKAMP. As I understand it, this is not against the law until somebody presses a charge and a proceeding against you.

Senator GOLDWATER. That is not a very good way to interpret the law. The law is on the book——

Mr. GRASSKAMP. I am not a lawyer, sir.

Senator GOLDWATER. I am not, either. It is against the law to speed. We cannot say that it does not apply until we do it. It is against the law. As a member of the strike committee, didn't you know that what you were going to engage in was against the Wisconsin law?

(The witness conferred with his counsel.)

Mr. GRASSKAMP. My own personal opinion is that it was not.

Senator GOLDWATER. What did your lawyers tell you? You must have had a lawyer engaged.

Mr. GRASSKAMP. I did not confer with our lawyers on this.

Senator GOLDWATER. So you say, then—do you deny any knowledge of the Wisconsin law?

Mr. GRASSKAMP. I don't deny the knowledge of the Wisconsin law. I deny knowing the interpretation that you place upon it.

Senator GOLDWATER. It is a very clear law.

Mr. Chairman, I would like to have the Wisconsin law made a part of the record. I do not want to take it from this source that I have. It happens to be a newspaper advertisement. I ask that the counsel get the law. It is section 343.683, "Preventing pursuit of work," and I would like to have that made a part of the record at this point.

The CHAIRMAN. The statute to which the Senator is referring—I am not familiar with it—without objection, that statute may be printed in the record at this point. I assume it is a brief statute, is it not?

Senator GOLDWATER. Yes; it is very brief. It is a short paragraph. The reason I do not want to read it is because it is quoted in a newspaper ad run by the Kohler Co. I would rather have it come out of the lawbooks than the newspaper ads.

The CHAIRMAN. We have some lawyers on the staff. They can do a little research, and do it as the matter exactly is, and insert it into the record.

(The document referred to follows:)

WISCONSIN STATUTES

343.683 Preventing pursuit of work. Any person who by threats, intimidation, force, or coercion of any kind shall hinder or prevent any other person from engaging in or continuing in any lawful work or employment, either for himself or as a wageworker, or who shall attempt to so hinder or prevent shall be punished by fine not exceeding \$100 or by imprisonment in the county jail not more than 6 months, or by both fine and imprisonment in the discretion of the court. Nothing herein contained shall be construed to prohibit any person or persons off of the premises of such lawful work or employment from recommending, advising, or persuading others by peaceful means to refrain from working at a place where a strike or lockout is in progress.

Mr. GRASSKAMP. May I say, Mr. Chairman, as far as I am concerned, this is no more against the Wisconsin law than the illegal possession of tear gas and riot guns is against the law.

Senator GOLDWATER. We are not talking about that now. We will get to that in due course. Mr. Grasskamp, did you know that a picket line that denies access to plants is a violation of Taft-Hartley, under section 8 (b) (1)?

Mr. GRASSKAMP. This, it seems to me, is under the same process as it is with the Wisconsin Employment Relations Board.

Senator GOLDWATER. I am asking you a very simple question. You, as a member of the strike committee; you, as president of the local that is going to call the strike, must have had some knowledge of what you were going to go into. You must have had some idea that you were going to be in violation of a State law and a Federal law when you did it. Did you or didn't you know that?

Mr. GRASSKAMP. Let me say it this way—

Senator GOLDWATER. Just answer my question. We can go around the bush on this all day. Just say yes or no.

Mr. GRASSKAMP. Then the answer is "No."

Senator GOLDWATER. You didn't know that?

Mr. GRASSKAMP. That is correct.

Senator GOLDWATER. All right, that is fine. Now, Mr. Grasskamp, prior to the calling of the strike, during the period of the negotiations or discussions, I believe they went on for about a year prior to this strike. Am I correct in that, or wrong?

Mr. GRASSKAMP. The actual negotiations for this contract?

Senator GOLDWATER. Not negotiations, necessarily. But discussions. The wage reopening demands you were making on Kohler, under the contract.

Mr. GRASSKAMP. They agreed on a contract on February 23, 1953. On August 14 or 15, 1953, we made a wage demand upon the company, which was provided for in the contract on a wage reopener.

Senator GOLDWATER. That was about a year prior to the strike?

Mr. GRASSKAMP. No; it was not.

Senator GOLDWATER. Well, roughly.

Mr. GRASSKAMP. August 16, 1953, was when we made the wage demands.

Senator GOLDWATER. Well, the strike was April 1954. It is roughly a year, or 10 months, whatever you call it.

Mr. GRASSKAMP. Seven or eight months.

Senator GOLDWATER. During that time, did you threaten to strike the company?

Mr. GRASSKAMP. We took strike votes, yes.

Senator GOLDWATER. So the company knew for that period that the chances were pretty good that there would be a strike?

Mr. GRASSKAMP. I don't know whether they could assume that that was right or not.

(At this point, Senator Kennedy entered the hearing room.)

Senator GOLDWATER. If you continued to threaten them with strikes, I think they could assume that there would be a strike, don't you?

Mr. GRASSKAMP. There are many, many unions that have taken strike votes and have never had a strike.

Senator GOLDWATER. But during the course of the 7 or 8 months, you continuously threatened the company with strikes unless agreements were made?

Mr. GRASSKAMP. No. We never threatened this company with strikes.

Senator GOLDWATER. You never mentioned it once?

Mr. GRASSKAMP. We took a strike vote.

Senator GOLDWATER. When did you take a strike vote?

Mr. GRASSKAMP. We took a strike vote on the August negotiations. In the international union——

Senator GOLDWATER. What date did you take the strike vote?

Mr. GRASSKAMP. I can't recall the exact date. It would be in August of some time.

Senator GOLDWATER. August of 1953 or of 1954?

Mr. GRASSKAMP. 1953.

Senator GOLDWATER. You took the strike vote in August of 1953?

Mr. GRASSKAMP. Correct. And the international union would not sanction a strike.

Senator GOLDWATER. And you didn't strike until April 1, 1954?

Mr. GRASSKAMP. That is correct. And the same issues were involved then.

Senator GOLDWATER. We are not talking about issues now. You mentioned the fact that the company was preparing for a strike. I don't condone their purchasing of firearms, tear gas or anything else, but I think it is rather normal for a company to make normal preparations for any work stoppage. As I say, we will get to the instruments that they used later on. But during this whole year, they had the threat of a strike over them, or a period of approximately a year?

Mr. GRASSKAMP. No. No, they were never notified that we were going to strike. We cannot notify the company that we are going to strike before we get sanction from the international union that we can strike, which we never got within that year.

Senator GOLDWATER. But you took a strike vote?

Mr. GRASSKAMP. That is true.

Senator GOLDWATER. Did the company know the result of the strike vote?

Mr. GRASSKAMP. I think they did.

Senator GOLDWATER. You could assume that they would. Now, how many people are still on strike at Kohler?

Mr. GRASSKAMP. Around 2,000.

Senator GOLDWATER. Are they all former employees of the Kohler Co.?

Mr. GRASSKAMP. Yes, sir.

Senator GOLDWATER. Are they in an employed status now?

Mr. GRASSKAMP. Oh sure they are in employed status, and they have only temporary employment somewhere else to provide them with a living, because after 4 years you just can't live on strike assistance. It is tough. It is the women and children that are paying the price here.

Senator GOLDWATER. How many people are working at Kohler now?

Mr. GRASSKAMP. I don't know.

Senator GOLDWATER. Would you say the full complement of 3,300?

Mr. GRASSKAMP. Oh, no. I would have reason to believe it was less than 2,000 actual employees working.

Senator GOLDWATER. Then they are not working to full production?

Mr. GRASSKAMP. I would say "No."

Senator GOLDWATER. Do we have the figure of how many are working there now, Mr. Counsel?

Mr. KENNEDY. Do you have that, Mr. Bellino?

Mr. BELLINO. No.

Mr. KENNEDY. We can ask the Kohler Co.

Senator GOLDWATER. If we can get that information, I would like it to go in the record at this point.

(The information is as follows:)

Total enrollment at the Kohler Co., Kohler, Wis., on January 15, 1958, for production and maintenance employees, 2,296.

Senator GOLDWATER. Getting back to the picket line again, Mr. Grasskamp, were the office employees organized at any time?

Mr. GRASSKAMP. Yes, they were a part of the original bargaining unit before we affiliated and before the NLRB election with the UAW.

Senator GOLDWATER. They were a member of the Kohler Workers Association?

Mr. GRASSKAMP. Yes, sir; we had the officeworkers, technical employees, and everybody but supervision.

Senator GOLDWATER. When you switched over to UAW, did they go with you?

Mr. GRASSKAMP. No. The National Labor Relations Board excluded them in a bargaining election.

Senator GOLDWATER. How did you handle those employees when they wanted to cross the picket line?

Mr. GRASSKAMP. They went in to work.

Senator GOLDWATER. Without any difficulty?

Mr. GRASSKAMP. That is right.

Senator GOLDWATER. How about the first day of the strike, did they go across the line?

Mr. GRASSKAMP. To my knowledge, they did.

Senator GOLDWATER. As far as you know, as president of the local, and a member of the strike committee, they did cross the line that day?

Mr. GRASSKAMP. To my knowledge, the officeworkers have always crossed the line.

Senator GOLDWATER. Were the allowed to go over the second day?

Mr. GRASSKAMP. Yes, sir. To my knowledge, people who were even members of the bargaining unit crossed the picket line.

Senator GOLDWATER. Were Kohler executives allowed to cross the picket line?

Mr. GRASSKAMP. Yes, sir.

Senator GOLDWATER. Did anybody at any time try to get across the picket line and were stopped?

Mr. GRASSKAMP. I would say yes. People came across the street and they crossed the street and they got as far as what we called the boulevard in the road, over an industrial road, and our people talked to them, and there was some movement there, and they got together but there was nobody hurt.

There was no violence on that. It was all peaceful picketing as far as the pickets were concerned.

Senator GOLDWATER. How would you prevent a person from going through the picket line if he wanted to go through?

Mr. GRASSKAMP. How would I prevent it?

Senator GOLDWATER. Yes.

Mr. GRASSKAMP. If I was there, I couldn't.

Senator GOLDWATER. You couldn't prevent it, and you wouldn't even try to prevent it?

Mr. GRASSKAMP. No, I wouldn't. And I tried to talk to the guys and convince them they shouldn't.

Senator GOLDWATER. If you could not convince him with conversation, you would say, "Just pass on through"?

Mr. GRASSKAMP. No, I would say, "Look, even if you don't want to join our forces, please let me ask you to stay out of the plant. This is the whole purpose——."

Senator GOLDWATER. We have gotten past that point now, and you have not been successful in arguing him out of wanting to go across the line. Would you then step aside and just say, "Go on through"?

Mr. GRASSKAMP. No, I think that I would keep talking to him and try to convince him that he ought not to.

Senator GOLDWATER. Suppose he just wanted to walk on?

Mr. GRASSKAMP. If he pushed me aside and went through, then I suppose that is the way he would go.

Senator GOLDWATER. Now there is just one other point. Were the nonunion members, or workers not members of the local, allowed to go across the picket line without any hindrance?

I think there were about—and my memory may not be correct—but I think that you said you had 2,500 members out of about 3,300.

Mr. GRASSKAMP. Around that number.

Senator GOLDWATER. So there are about eight-hundred-some-odd who are not members. Were they restricted in any way in going to and from work?

Mr. GRASSKAMP. I had no way of knowing.

Senator GOLDWATER. You were on the strike committee, and you helped plan the strike, and you helped run the strike. Wouldn't you have any knowledge of whether or not these nonunion people were allowed to cross the picket line?

Mr. GRASSKAMP. I can't keep in my mind the names of 2,500 people, and I would have no way of knowing when they came across the street, other than people that worked in my definite department where I work, whether or not they were members or were not members. I would not know.

Senator GOLDWATER. I wouldn't expect you to know the names of that many people, but did you receive any complaints, as president of the local or as a member of the strike committee, that so-and-so couldn't get across the picket line because he was not a union member?

Mr. GRASSKAMP. No one has ever come to me during the course of the strike—has come to me and said, "I want this line opened up," or "Will you open this line up so that people can go to work."

Senator GOLDWATER. And you had no complaints about people who were prevented from going across the line?

Mr. GRASSKAMP. Well, I had complaints, but I wouldn't want to use the language they used here.

Senator GOLDWATER. I wouldn't ask you to, either, but you did get complaints from people who couldn't get across the line?

Mr. GRASSKAMP. I don't know if that was them or not.

Senator GOLDWATER. What were the complaints in the nature of, then?

Mr. GRASSKAMP. People were calling me, and it could well have been company supervision, and I don't know, and nobody will ever tell me their name when they called me. And they will call me names and call me Communist and everything else.

It was necessary for me to change my phone and get an unlisted number so my wife and my kids would not be subjected to this.

Senator GOLDWATER. Now I think you said earlier that there was an NLRB decision holding that the KWA was company dominated and that the disestablishment of this union had been ordered; is that correct?

Mr. GRASSKAMP. No, that isn't what I said. I am not sure whether it was the NLRB, but it was the Federal board at that time. If I remember rightly, it was either 1934 or 1935. It was one of those years. I would have to check the records to be exact.

Senator GOLDWATER. Were you a member of the union at that time?

Mr. GRASSKAMP. Oh, no. But I have checked these records, and I have seen these records.

They held that this independent union who had won the election was fostered and was controlled and everything by the company. But they did not disenfranchise them. If I remember, their words were that "another election can take care of this problem."

Senator GOLDWATER. Isn't the company-dominated union an unfair labor practice?

Mr. GRASSKAMP. Today it is. I don't know that it was in those days. This is back in the 1930's, or 1935, and I don't know if it was.

Senator GOLDWATER. In my recollection it was, and I may be in error on that.

Mr. KENNEDY. This was before the Wagner Act. This is 1934.

Senator GOLDWATER. What was the year that UAW took this KWA over?

Mr. GRASSKAMP. UAW never took over the KWA. The KWA is affiliated with the UAW.

Senator GOLDWATER. Put it your way. What was the year?

Mr. GRASSKAMP. 1952.

Senator GOLDWATER. In 1952?

Mr. GRASSKAMP. Yes, sir.

Senator GOLDWATER. So the unfair labor charge could have been made under the Taft-Hartley Act. Did you make any charge?

Mr. GRASSKAMP. I am confused at this point.

Senator GOLDWATER. Did your union make any charge that because this was a company-dominated union, it was therefore an unfair labor practice?

Mr. GRASSKAMP. To my knowledge, between 1952 and 1935, would be 17 years, and the statute of limitations would run out.

Senator GOLDWATER. I am talking about 1952.

Mr. GRASSKAMP. We filed no charge. There wasn't any.

Senator GOLDWATER. That is what I wanted to get.

Mr. GRASSKAMP. This was not in 1952.

Senator GOLDWATER. That is the year that you transferred to the UAW?

Mr. GRASSKAMP. That is not where the board held it was fostered and dominated.

Senator GOLDWATER. Tell me that year. That is the year I wanted to know.

Mr. GRASSKAMP. That was 1934.

Senator GOLDWATER. In 1934?

Mr. GRASSKAMP. Yes, sir.

Senator GOLDWATER. That clears that up.

Mr. RAUH. We have the document here that Senator Goldwater has been asking about. It is case No. 115; hearing, September 8, 1934; decision, September 15, 1934; before the National Labor Relations Board; under the old NRA. And if Senator Goldwater would like to insert this or the particular paragraph we would be happy to do so.

It does say this is a company dominated union.

Senator GOLDWATER. I was interested in the year, and I was confused with 1934 and 1952.

The CHAIRMAN. 1934 is before the enactment of the Wagner Act, and this under the old NRA?

Mr. RAUH. Yes, that is correct.

The CHAIRMAN. The one that had the eagle spread out?

Mr. RAUH. Yes.

Senator KENNEDY. Mr. Chairman, I think it would be helpful if we could get from both the management and the union the differences in positions on negotiations prior to the strike.

In other words, what were the reasons why the UAW local struck?

Mr. GRASSKAMP. There were many, many issues, but at the time around the start of the strike, it boiled down to 7 or 8 issues; but there were many issues. There was the silicosis issue.

Senator KENNEDY. What is the silicosis issue?

Mr. GRASSKAMP. Silicosis is a lung disease that is caused from breathing dust with silica dust in it. In the pottery itself, there is a department where there is a high percentage of silica dust. In some of the mixtures, the silica dust in some of the mixtures goes as high as 80 or 90 percent.

Now, this stuff is floating around there in the air all day long and we many times asked for ways to clean this up. We have always been refused. They always say it was impossible and it can't be done, and other companies have done it.

The workers would breathe this dust in and they would have X-rays, and when I first started, you got X-rays once a year, and they later went into a miniature X-ray machine and they took X-rays every 6

months. But people were never told when they started to show spots on their lungs.

It got to be too late. During the course of the negotiations, this was brought out. We knew this and we said, "Look, why not give the employee a copy of his X-ray when you take it, the negative, and he can take it down to his own doctor and have it examined and he can get the facts on what his lungs are."

The company said, "We cannot tell these people the minute they get a spot on their lung, because if we do they will all worry themselves to death and they will become hypochondriacs if we do."

Senator KENNEDY. What was the evidence that you had that a high rate of lung disease came from silicosis in the factory? Do you have any statistics which would support that?

Mr. GRASSKAMP. We have some. It is not possible for us to have all of them.

Senator KENNEDY. Was there a hospital nearby?

Mr. GRASSKAMP. There is a sanitarium close by, called Rocky Knoll, as we call it, the Kohler Pavilion.

Senator KENNEDY. Are there many people who worked at Kohler who are now there?

Mr. GRASSKAMP. This is the place where these people go when they contract this, if it is caught in time that they can still go there.

Senator KENNEDY. You made the charge, and what is it that you use to support the charge that silicosis existed to a degree which was dangerous to the workers in that section of the company?

Mr. GRASSKAMP. I turned over to the company a file on silicosis, which contains cases from the Kohler Co. This we know is only a portion because I know that there are many people working at that plant today, that are working in that plant today that have contracted some of this disease in their lungs.

We cannot reach those people today. Those people are scared to tell us the facts. We cannot talk to them.

Senator KENNEDY. What is the position of the company? You requested what, in your bargaining?

Mr. GRASSKAMP. We requested a copy of the miniature X-rays so these people could take it to their doctors and have their doctors examine them and tell them the facts and not wait until it got to such a point that they were too far gone, and they had to be transferred off of their job and precautionary methods taken.

Senator KENNEDY. The company refused that?

Mr. GRASSKAMP. On the basis that they could not tell these people the minute they showed a spot, because they would all become hypochondriacs.

Senator KENNEDY. What is the second item of disagreement?

Mr. GRASSKAMP. Many times the company would also transfer people from one job to another, transfer them from one job because they were in the process of this silicosis. They would transfer them to another job, which did them no good. It was another job just like they had and they would still be in contact with this.

These are the things. It was not the question of wages, and the wages were never the No. 1 question at Kohler. There are too many other things like job security.

Senator KENNEDY. What I am trying to do is go through them. The first one is the instance of silicosis, and what is the second one?

Mr. GRASSKAMP. The working conditions in the plant.

Senator KENNEDY. Tell me about that.

Mr. GRASSKAMP. You could file a grievance and these foremen do not have a right to settle these grievances, because when you get the foreman's answer you have got the answer from the management committee. It is necessary that you go through all of these prolonged steps and you get the foreman's answer, and you get the supervisor's answer, and you get the superintendent's answer, and all of the way up the line you get the same answer.

When you get to the management committee, then they say, "All of these grievances come up here to the management committee." Why? Because you get their answer in the first place.

You have got to go to the top in order to get it solved because you have to change their attitude and you can't change the ones below.

Senator KENNEDY. What were you attempting to negotiate on grievances?

Mr. GRASSKAMP. Many grievances; for instance, wage rates. There was a time when I could go in to the superintendent of potteries' office and even if he could not agree to the correct time that they allowed for the job, and these jobs at Kohler are mostly all or 90 percent piecework, and so this necessitates negotiating a rate for each and every job.

So there was a time when I could go up to the superintendent in the pottery office, and we could sit down and discuss this thing, and we would come up with an agreement. Maybe we didn't agree whether it should take 10 minutes or 12 minutes to make this piece, but we did agree on the price that this guy would get paid for making the piece, which is what the worker himself was really interested in.

We used to make agreements. We never had too much trouble settling rates until he got an order from the management committee that from now on, he can only go 10 percent over and above what the time study department submits.

If there is any more than that, then it has to be gotten from the management committee. This interrupted our whole peaceful procedure we had in the pottery department at one time. There was a time when I could go there and sit with the superintendent and discuss anything and we could solve our problems. But I was no longer able to do that after that.

You had to go to the management committee. I cannot recall the exact grievance at this time but I can remember specifically sitting with this management committee before we were even with the UAW, and I am sure I had them convinced I was right and finally they said, "So what? We aren't going to go along with it."

These are the things that these people are striking for, not wages so much, and pensions.

Senator KENNEDY. It seems to me the second one then was this: What you are objecting to was that the superintendent did not have the right to increase the wage by more than 10 percent without referring it to the management committee. Is that your second grievance?

Mr. GRASSKAMP. That is correct.

Senator KENNEDY. That does not seem to me to be very important. I think a company has a right, if a wage increase goes beyond a certain point to have it referred to the central management.

Mr. GRASSKAMP. But this is a practice that had been in effect for years. As long as I knew it, this is the practice. We never had to do that before. They never notified us that they were changing their practice, and these are the things. There are many other things. Any grievance on working conditions within the plant were involved.

Senator KENNEDY. Tell me something about the working conditions in the plant. You described the incidence of silicosis, about which you say nothing was done by the company.

Can you describe other working conditions which caused you to feel a strike was essential to have them settled?

Mr. GRASSKAMP. We had conditions in 1 part of the plant where we had 2 men lifting a bathtub. They had to lift this thing together, 1 guy pick it up on 1 end and 1 guy the other end, and they laid it on the truck. They had 1 little guy and 1 big guy, and the big guy got 10 cents an hour more than the little guy.

These are the things that finally we straightened out. Let's go in and take a look at the grievances and the stuff in the enamel shop. When we affiliated, the enamel shop was where they were having their problems. When we affiliated with the UAW, the company notified us, "We are no longer recognizing you," and chased us out of our office, and took away our concessions in the plant and told us that we had to get these guys to move the machines out.

Evidently they did not let them because they took them off themselves. We had a \$15,000 a year income off those concession machines. If you take a look at the enamel shop, at the point that we affiliated with the UAW, the company notified us they were no longer recognizing us.

They took away the 6-hour day which was in effect in the Kohler Co. for as long as I know, from when I was a little child.

Mr. KENNEDY. Just tell us what is the enamel shop; we do not know anything about it. First say what the enamel shop does, and then say what the conditions were, and just give the facts.

Mr. GRASSKAMP. The enamel shop is a branch of the cast iron division, right within the same plant grounds. This is after the tub is poured and it is cold, and it is ground so that the edges are off and smooth, and then they take it into another department and they spray a ground coat on, and then they take this tub over into the enamel shop and that is where the white enamel that you see on the bathtub, that is where it is put on.

At that point these tubs are inspected. Then they put them in what they call a preheater. There this tub gets warmed up first, and then they put it into what they call the hot furnace. This tub gets put in there, and when it comes out red hot, they have a sieve with a long handle and they have to shake this powder all over this hot tub.

This is so hot there that they wear these shields in front of them and asbestos sleeves, and they wear winter underwear in summer to keep the heat off their bodies. This is the kind of conditions these people worked in.

After they get the enamel sprayed on they have to put it back in the stove and heat it once more. Now, at the point we affiliated, the company really went to work on this enamel shop.

First of all, they took away their 6-hour day.

Senator KENNEDY. The reason they had a 6-hour day instead of an 8-hour day was because of the working conditions in the enamel section?

Mr. GRASSKAMP. Because it was always considered that 6 hours in the enamel shop was equivalent to 8 hours in any other department.

Senator KENNEDY. What was the temperature in the enamel shop?

Mr. GRASSKAMP. Next to the tubs, it has been established that the temperature went up as high as 180°.

Senator KENNEDY. Would you have to get next to the tubs during the day's work?

Mr. GRASSKAMP. These fellows stood right next to them.

Senator KENNEDY. Was it 180° for the whole 6 hours or did they move away from the tubs?

Mr. GRASSKAMP. They did not move too far because when they put this tube in for the second time, the tub again became hot, but then they had to put this on a little truck, not much longer than this table, with a handle on it, and they had to put it over into a shield where they set it to cool off.

But in the meantime, while they were walking this tub over there, they had to then go back and inspect the next 1 and put the next 1 back in the preheater and take that 1 out and put that back, that that is a process that kept on continuing.

In between time, they had to inspect all of these tubs and they had to inspect the hot tubs when they took them out before they wheeled them away.

Senator KENNEDY. What was the issue in the negotiations between the company and the union on the 6-hour day?

Mr. GRASSKAMP. There were a number of them, as far as the enamel shop was concerned, and it was not only the 6-hour day.

Senator KENNEDY. You wanted a 6-hour day, or they had given you that?

Mr. GRASSKAMP. This had been the practice for years.

Senator KENNEDY. And had they taken it away?

Mr. GRASSKAMP. Yes; and at one time we negotiated with this company and this was considered, a 6-hour day was equivalent to an 8-hour day in any other department of the shop, and then the enamelers ought to get the same conditions on the basis of 6 hours as the other ones do.

Senator KENNEDY. At the time of the strike, what was the issue in the enamel plant between you and the company?

Mr. GRASSKAMP. The 6-hour day and the changing of all rates.

Senator KENNEDY. Wait a minute. What do you mean by the 6-hour day? Was that in effect at the time of the strike or was it an 8-hour day?

Mr. GRASSKAMP. The company, during the affiliation, took away the 6-hour day and put into effect an 8-hour day, take it or leave it.

Senator KENNEDY. This, in other words, was an issue whether you would get the 6-hour day back; is that correct?

Mr. GRASSKAMP. We were negotiating to try to get the 6-hour day back, and, if we couldn't get the 6-hour day back, we wanted at least the same consideration for the enamelers that they gave to all of the other departments, which was a 20-minute lunch period during the 8 hours.

(At this point the following members were present: Senators McClellan, Ervin, Kennedy, and Goldwater.)

Senator KENNEDY. What do they do on the lunch period?

Mr. GRASSKAMP. The practice in the other departments in the plant was that, where you work on a 24-hour shift, and there is no room for one shift to overlap into the other one, they provide the people with a 20-minute lunch period, and for that they compensate them 4 percent of their earnings. This is what we were asking the company——

The CHAIRMAN. Four percent of their earnings?

Mr. GRASSKAMP. Four percent of their earnings for the day, which would be equivalent to 20 minutes a day.

Mr. KENNEDY. In other words, you would get the 20-minute lunch period or the 4 percent?

Mr. GRASSKAMP. No. If you got the 20-minute lunch period you would get the 4 percent added to your rates, so that at the end of the day you would have 8 hours' pay and not 7 hours and 40 minutes' pay.

Mr. KENNEDY. It was based on production?

Mr. GRASSKAMP. That is correct.

Mr. KENNEDY. And if you were out 20 minutes for your lunch period, you would not have as great production as you would if you worked the 8 hours. Therefore, the fact that you took the 20-minute lunch period——

Mr. GRASSKAMP. But they didn't. They didn't give it to them.

Mr. KENNEDY. But you got a 4 percent compensation for the work that you did.

Mr. GRASSKAMP. I will give you an example. If a man made \$10 in 8 hours, and if he was working in one of these places where he worked 24 hours around the clock, and it wasn't possible for one shift to overlap into the other, they would give him a 20-minute break in the middle of the shift, so that, when he ended work, he had only actually worked 7 hours and 40 minutes. Then they added 4 percent to his earnings for the day, which would compensate him for that 20 minutes, and thereby give him 8 hours pay at the end of the day.

The CHAIRMAN. In other words, as I understand it, he got paid for 8 hours, but he only worked 7 hours 40 minutes.

Mr. GRASSKAMP. No; it is just the opposite. He was there 8 hours, but if he didn't get paid for it, he only actually got paid for 7 hours 40 minutes, if he didn't get the 4 percent. If they didn't pay him the 4 percent, he would have been there 8 hours, but only actually worked 7 hours 40 minutes.

The CHAIRMAN. In other words, they paid him for a full hour.

Mr. GRASSKAMP. If they gave him the 4 percent, correct. That is right.

The CHAIRMAN. Were there instances when they didn't give the 4 percent?

Mr. GRASSKAMP. They did in the other departments, but they would not give it to these people. I hadn't gotten to that point yet.

Senator KENNEDY. In other words, then, they were working not 6 but 8 hours in the enamel plant under the conditions you described. Would they give them a lunch break or not during the 8 hours?

Mr. GRASSKAMP. No; they told the people they had to take it when they found time. They had to eat their lunch in between time, between tubs, which is not very much.

Senator KENNEDY. How long were the tubs in the furnace?

Mr. GRASSKAMP. I am not too positive of the exact cycle time. They made, as I remember it, about 28 tubs in an 8-hour shift; 28 or 30 tubs in an 8-hour shift.

Senator KENNEDY. How much time would they have for lunch?

Mr. GRASSKAMP. None.

Senator KENNEDY. How much time would there be between the tubs?

Mr. GRASSKAMP. Actually, none, because, by the time they put one tub away, they had to take the next one; they had to inspect it and put that one in the furnace.

Senator KENNEDY. Wasn't there a minute or a minute and a half?

Mr. GRASSKAMP. I would say that there maybe might be a time when they had a minute or two that they had time between the time they put the tub in and between the time they put the next one in, but I would say at no time did they ever have more than 5 minutes' time.

Senator KENNEDY. The issue really between you was, too, that you should go from 8 to 6 hours, and, also, that they should be compensated for a lunch period of 15 or 20 minutes?

Mr. GRASSKAMP. We tried for the 6-hour day, and we could not get it. At that point, we said, "O. K., if you want to insist on a 8-hour day, at least give these people the same consideration you give the people in the other departments, and provide them with a 20-minute lunch period."

The company said, all kinds of ways, that this couldn't be done. I pointed out to this company a couple of times, at one of the meetings in Chicago when we had some meetings, how this could be done. They refused to accept that kind of an answer. They say it can't be done, and I say it can be done, but they are unwilling to even try whether it can be done or not.

Then at that point they cut the enamelers' rates $18\frac{1}{2}$ percent, and make them work 8 hours. They take away the system they got in there, and they put in a premium system, where they say you get so much for making the tub, and if it is a good tub you get so much more. Well, this is part of the wages. This is part of the wage structure, and I say this is wages. If there is any reason that they are not going to give the people this added premium, then they have to negotiate with the union why they ain't going to give it to them, and they refused to do so. They say this is not part of the wages. But as long as it depends on the quality of work that this man does it is wages, and we have the right to discuss what this is going to be.

Senator KENNEDY. Why is it that they treated people in the enamel plant different from other people, if the working conditions were as adverse as you say they are?

Mr. GRASSKAMP. Because this enamel shop is where the majority of the people came from, because of the treatment that they got. The original organizing group that wanted to go into the UAW-CIO, the vast majority came out of this enameling department.

Senator KENNEDY. In other words, you are saying—

Mr. GRASSKAMP. I am saying that they had a grudge against this department and they were taking it out on them.

Senator KENNEDY. They increased the work conditions from 6 to 8 hours and denied them a lunch hour because they were active in the union organization?

Mr. GRASSKAMP. Yes. Back before the affiliation, when the enamellers, even under the independent union, had the courage to sit down and not work, they gave them the 6-hour day and overtime over 6 hours and overtime over 30 hours a week. But, when we affiliated, they took that away from us.

Senator KENNEDY. Did the company negotiate the matter of the enamel plant to you?

Mr. GRASSKAMP. No. They made no offer. This was just put into effect, and you take it. On top of that, they always had big fans to blow the heat away from the man. The fan was in back of the man, and this blew toward the furnace, and when they took the tub out and the man was here, the heat blew the other way. Then they turned the fans off, and that is what led to the discharge of the 12 enamellers in 1952. With the fans off, the people, from the heat, got dizzy, and some got sick. It so happens that some of them that went to the medical department got sent home, got cards to go home, but the most active UAW guys didn't get cards to go home, but were told to go back to the jobs, and they were the ones that were fired in 1952.

Senator KENNEDY. They not only increased the hours, and cut out the lunch hours, but also turned off the fans, in order to get rid of your members?

Mr. GRASSKAMP. That is right.

Senator KENNEDY. What other grievances were there?

Mr. GRASSKAMP. Then you have the settling of rates I told you about in the pottery. But this was a pretty general condition. Take, for instance, when they remodeled the foundry, which took them 2 years. They rebuilt once and then they did it over again. These people worked for almost 2 years on an hourly rate, \$1.60 to \$1.78 an hour. They were asked to go through all kinds of unbearable conditions at the time.

They were told that so many tubs can be made in so many hours. Today they may say yes, the people are making them. Sure the people are making them today, but it is almost 5 years later and the corrections have been made. But at the time they could not produce what the company was asking them to produce, and besides that they were not taking home a living wage.

These people worked for 2 years below the rate of the foundry and the cleaning-room conditions. All of these things build up. So when it came time for the strike, the wages themselves were unimportant. It was the dignity of the guy working there, the right to have a union steward bring up a grievance for him, the right to have it discussed, the right for the guy to come over on the job and discuss it with the employee first, as to whether or not a determination can be made as to whether he has a grievance, and then the right for the guy to go up there and get an honest settlement, if he is entitled to it. That is what the strike is all about. Arbitration, for instance. Let's take the question of arbitration. We had an arbitration clause in the 1953 contract. This contract, we were willing to live with yet. We were willing to live with it while negotiating. But the company wrote us a letter on December 12, 1953, and said:

We are terminating this agreement as of February 28, or March 1, 1954.

We wrote the company a letter and said:

Inasmuch as contract negotiations are coming up, we wish to modify the present agreement.

We did not want to cancel the present agreement. We wanted to modify it and correct the things that were wrong with it. But the company canceled it. In February, we asked the company to continue the present contract for another 30 days, so that we would not have to work without it.

But the company said, "No, we wouldn't continue it for 30 days, but we will continue it for 1 year."

Then they gave us an alternate proposal. With this alternate proposal, they gave us a 3-cent wage offer with it, but they wouldn't give us the 3 cents if we agreed to the old contract, but just with their alternate proposal. What their alternate proposal done was they gave us an arbitration procedure in clause 5, but as you went through the contract, everything that was arbitrable was taken away by the last sentence which said, "This shall not be subject to arbitration." So when you got through their proposal, you had an arbitration proposal, but by the time you read the rest of the contract, there was nothing left to arbitrate. They said "All we will agree to is application and interpretation of the contract."

We finally agreed to all of these exclusions. We told the company, "O. K., we will agree to these exclusions, but we will not agree that unjust discharge and discipline are not subject to arbitration."

That is where we stand on arbitration today. We have given everything that the Kohler workers have struck for a way in trying to reach an agreement with this company. In our last set of negotiations, when the three members, national members, of the clergy were there, we practically gave everything away trying to reach an agreement, and we couldn't reach no agreement with this company.

We are at this point. The very things that the Kohler workers went on strike for they are not going to get if we settle it on the basis of our last proposal. We will be involved in this again.

The CHAIRMAN. Senator Ervin wanted to ask a question before we recessed for lunch.

Senator ERVIN. What causes the presence of the silica dust in the Kohler plant?

Mr. GRASSKAMP. What causes it?

Senator ERVIN. Yes. What material causes it?

Mr. GRASSKAMP. In pottery, potteryware is made out of clay, and in the clay, in the mixture, you have flint, you have felspar, and you have a couple of different—it is like crushed stone, some of it, which is hard, like crushed rock.

Senator ERVIN. I understand that, coming from a felspar-producing State. When a person works in silica dust, inhales, necessarily, unless some methods are taken to remove the dust from the air, he necessarily inhales the silica dust into his lungs, and the silica dust builds up deposits there, which medical science has found no way to remove.

The result of it is if a man stays or is exposed to silica dust beyond a certain point, he is deprived of a large part of the capacity of his lungs to inhale and exhale air. He gets what they call air hungry, does he not?

Mr. GRASSKAMP. I am not a doctor and by no means a specialist on silicosis, but it is my understanding that this not only affects his lungs but his heart and blood also.

Senator ERVIN. The deposits, yes. And it is necessary, if that man is to continue to live a useful life, that he be removed from exposure to silica dust to another job before he reaches a disabling stage, is that not true?

Mr. GRASSKAMP. That is correct. It is necessary that they ought to be removed the minute they have the first trace of it.

Senator ERVIN. You say the company made no provisions to remove the silica dust?

Mr. GRASSKAMP. They removed them, but too late.

Senator ERVIN. I am talking about the dust. You say the company did not take any steps to remove the silica dust from the air?

Mr. GRASSKAMP. They claimed that they had all the fans that they could possibly put in the place, but this is not true. We suggested ways of getting rid of some of this dust, but they wouldn't listen to us. They said "No, this is the way it is going to be." I am sure if they build a new building you will find that many of these things that we asked them to do will be incorporated into it.

Senator ERVIN. These deposits, once into the lungs, cannot be removed; is that right?

Mr. GRASSKAMP. To my knowledge, it cannot.

Senator ERVIN. Let's you and myself talk very frankly about mass picketing and matters like that.

Whenever a strike comes, there is a general rule when a strike comes there has been a lot of tension built up on both sides, has there not?

Mr. GRASSKAMP. That is right.

Senator ERVIN. And the truth of it is the reason you resort to mass picketing is in case you cannot persuade a man not to cross a picket line, that you make it very difficult for him to get across the picket line because of the great mass of bodies involved; is that not true?

Mr. GRASSKAMP. Let me give you my explanation. I look at it this way: First of all, the whole purpose of a strike is to shut off the company's production. If you didn't have any idea you could shut the company's production off, you would not have a strike. Then when you reach a company—I know many places, many strikes, where they put a sign on the gate, and one or two guys walk back and forth. They don't have no problem. They don't have mass picketing. But when you have a company that challenges your majority, even the day before the strike, already, and says—and the company's ads will prove that—"They have never more than 800 people on the picketing line," I deny anybody to say there ain't more than 800 people in any of the pictures." This is what they said, that the majority of people want to work, that this is a small minority of dictators from the outside. So we had to prove to this company that we had the majority, and we did prove that we had the majority.

Senator ERVIN. I assume that you and myself know some of the facts of life. It is also for that purpose and for the purpose of either by persuasion or by the mass of their bodies, to prevent persons from entering the plant to work; isn't that so?

Mr. GRASSKAMP. I didn't quite understand that, the way it was said.

Senator ERVIN. Let's see if you and I can agree on this. Whenever you get two strikes as a rule—

Mr. GRASSKAMP. You are hoping that nobody goes to work.

Senator ERVIN. Strikes as a rule are not pink-tea affairs, are they?

Mr. GRASSKAMP. No; they are not Sunday school picnics.

Senator ERVIN. Exactly. And there is a great deal of emotional tension built up?

Mr. GRASSKAMP. That is correct.

Senator ERVIN. And the purpose of mass picketing is to keep people, among other things, not only to demonstrate to the employer that the majority or a substantial portion of the employees favor the strike, but it is also to keep people from entering the plant and working and frustrating the purposes of the strike?

Mr. GRASSKAMP. I am sure that that is probably true; yes.

Senator ERVIN. The reason I am asking you this is because—

Mr. GRASSKAMP. I would welcome the fact that you knew that when you went on strike, it was only necessary to put two or three people there to advertise that the company was on strike.

Senator ERVIN. In other words, when you have a strike, as a rule, strikes, most of them, or a part of them, are not the sort of powder-puff, free-speech affairs are they?

Perhaps some of the judges that live in ivory towers write opinions to that effect.

Mr. GRASSKAMP. It makes it extremely difficult to decide, because I think you have to go on the basis of what kind of employer you are dealing with and what are his attitudes at the time of the strike.

Senator ERVIN. If the folks on strike feel that they have been unfairly dealt with by the employer, and they have usually had controversies about working conditions, which they think should be improved, and there are human beings out there with emotions, there is a good deal of tension built up, isn't there?

Mr. GRASSKAMP. That is right.

Senator ERVIN. In other words, I remember reading a statement by Clarence Darrow, to the effect that ordinarily when you get to the point when a strike has been in progress for some time, and tensions are built up on both sides, he says that there is a spirit built up under which many men do many things which, as individuals, they would not do.

Isn't that a fact?

Mr. GRASSKAMP. I think when you have a case such as we had, when the emotions are high-strung, that sometimes you probably don't think just the way you should, and you later think about it. We made mistakes in this strike. I don't intend to sit here and deny that everything we done was perfect. I don't intend to sit here—

Senator ERVIN. That is the reason I am trying to see if you and myself cannot come to a frank discussion on the matters of it.

Mr. GRASSKAMP. I do intend, though, that everything we have done, there is reasons for it. There is reasons for it.

Senator ERVIN. You have this situation, in many strikes. The leaders of the union believe that the cause of the union ordinarily is to get by without violence. And even under circumstances that they do the best to suppress violence, you have a lot of other human beings that have their emotions built up and sometimes they engage in violence not at the request of unions, do they not?

Mr. GRASSKAMP. That is correct.

Mr. Chairman, let me say at this point while on the question of emotions, that I am sure that if I had the kind of temper that they

tried to paint me out that I have, I would have been arrested many times, many times, because there is many people who I done a lot for, who turned out to be on the Kohler Co. special police force, being paid by the village, but the Kohler Co. at the same time they are being paid by the village, paying these guys vacation pay, paying them holiday pay, paying their medical and hospital insurance through the company, providing them with all the benefits that the union got and negotiated for the employees, while employees of the village. How do you disconnect the two?

At the same time, people are walking across the street, the people you done a lot for, and they call you a Communist. I could have lost my temper a lot of times, but I didn't do it. It would have solved nothing, but would have given them definite reasons to discharge me.

Senator ERVIN. And human nature being what it is, when emotions are built up, that is why it is so important for people to sit around the conference table and see if in a reasoned and enlightened manner they cannot reach a fair adjustment of the controversy.

Mr. GRASSKAMP. I agree that that is the way it should be done.

The CHAIRMAN. Senator Goldwater?

Senator GOLDWATER. Isn't it true, particularly inasmuch as the judge brought this out, that we have these laws written to protect the public and property against emotions?

Mr. GRASSKAMP. I assume that all the laws are written for the protection of something.

Senator GOLDWATER. That is right. That is why I asked you the question at the outset of whether or not you were aware of the fact that you would be in violation of the law if you allowed mass picketing. You must have known that. You must have known also, and I imagine the company knew, that the emotions had reached such a stage that you would expect trouble.

What I am trying to get at is that I think you have some responsibility in this in that you must have known what you were doing when you decided to go out on strike and then use the mass picketing methods, which are against the law.

Mr. GRASSKAMP. I disagree. We fought violence. We disowned it. We told the people no. There are many times people have said to us, "Look, this isn't what we have seen done." And we said, "Look, fellows, just stay in that picket line. That is where you belong. We are advertising that we are striking against the Kohler Co."

Senator GOLDWATER. You have just agreed with Senator Ervin that emotions control these things, and you must have known that emotions were high and would get higher. I have heard of the same thing happening in other parts of the country, where emotions grew quite high down South last year regarding a colored girl who wanted to go to a college. I don't condone that. I don't condone violence anyplace, and I don't think that any thinking American does. But I wanted to make the point that these laws were written to protect the public, protect property, and, yes, to protect your own members, and other members, from acts of violence that would be caused by emotions brought about by undue strain.

Mr. GRASSKAMP. And we have done everything we possibly could do to encourage that kind of obeying of the laws.

Senator GOLDWATER. I think, during the testimony, we will see just how successful that was.

The CHAIRMAN. Are there any further questions at this time?

The committee will stand in recess until 2 o'clock.

(Whereupon, at 12:40 p. m., a recess was taken, to reconvene at 2 p. m. of the same day, with the following members of the committee present: Senators McClellan, Ervin, and Goldwater.)

AFTERNOON SESSION

The CHAIRMAN. The committee will come to order.

(Members of the committee present at the convening of the session were Senators McClellan, Ives, and Goldwater.)

The CHAIRMAN. We will proceed.

Mr. KENNEDY. Just so we can get the record correct, as far as the affiliations, can we get the dates in the record as far as the affiliation of the Kohler Workers Association with the UAW?

TESTIMONY OF ALLAN GRASSKAMP, ACCOMPANIED BY COUNSEL, JOSEPH L. RAUK, WASHINGTON, D. C.—Resumed

Mr. KENNEDY. Mr. Grasskamp, can you, just chronologically, give us the situation very briefly? That is, the existence of the KWA, and when the UAW first came in; then when the KWA voted to affiliate with the UAW; then when the UAW was recognized. Can you give us those dates, chronologically and correctly?

Mr. GRASSKAMP. As I stated this morning, I started working there in 1939, at which time I was signed up into the KWA by a Kohler Co. foreman. I belonged to the KWA. I was a member of it. When we started to change, it was in 1946, when the workers around the country were getting 18½ cents an hour and our officers of our independent union sold us down the river for a nickel an hour and overtime. This is what started the move, really. But there were many people that did not see the exact light, and, finally, a number of us ran against the people who were then officers of the KWA, and we got elected.

At that point, the people who had been in charge of the KWA—for instance, the chairman who had been a full-time union employee, who was not paid by the union but by the company, but he spent his full time on activities and he was part of the company supervision when he was defeated. Well, on a lot of these things here, they slowly, over the next couple of years, the people began to resent that they were not getting what the rest of the workers all over the country were getting. The last contract we had was in 1950. It was signed in December of 1950. This came at a time when we were going to call the membership meeting for a Sunday afternoon. We had not been able to get anywhere, and we were going to relay the facts to the membership on just what the attitude of the Kohler Co. was.

That Sunday morning, two of the Kohler Co. supervision, the vice president, L. L. Smith, and Mr. Conger, came over to our office and said they had a new proposal to make. This was after we published a full-page ad in the paper and told everybody just what was going to happen at this meeting. Well, the concessions they made at that time seemed to be enough so that the members, instead of going through with what we were going to recommend, which was we were going to recommend taking a strike vote at that time, accepted the company's

offer. At this time, the United Auto Workers was already into the picture.

Mr. KENNEDY. What date was this?

Mr. GRASSKAMP. This was in December of 1950. This is at the same time that we filed an unfair-labor-practice charge against the company because they even refused to discuss with us who the insurance carrier was going to be, since they were going to take over the hospital and medical insurance. Of course, then, on signing the contract, in December, and reaching an agreement, we withdrew the charges and they never were processed.

Then, in March of 1951, an election was held. At that election, the independent union defeated the UAW-CIO and we remained independent, but we never got another contract. We worked until the time of the first contract, which was then in February of 1953, before they got the next contract. However, during our impossible position with this company, when we could not get a contract with them, we started to look around and felt we had to be in a position and we wanted to see where our membership decided they wanted to go.

Mr. KENNEDY. Were you an officer in the local at that time?

Mr. GRASSKAMP. I was vice president of the KWA at that time.

Mr. KENNEDY. Were you working full time in the company?

Mr. GRASSKAMP. Yes, with the exception of the time that we had off for grievance sessions or union activity. So, we called a meeting—

Mr. KENNEDY. You have to give me the date. What date is this?

Mr. GRASSKAMP. I would say this is around the 20th of April in 1952.

Mr. KENNEDY. Now, the UAW had previously been defeated in a vote?

Mr. GRASSKAMP. In 1951; yes, sir.

Mr. KENNEDY. The employees decided to vote with KWA, or stay with KWA, and not affiliate with the UAW; is that right?

Mr. GRASSKAMP. That is right.

Mr. KENNEDY. Now, we are up to February of 1952.

Mr. GRASSKAMP. In April of 1952 we had a membership meeting around the 20th of April. I cannot recall the exact date, but it would be right around the 20th. We held a membership meeting and we wanted to recommend a strike vote. Although we told the people at the meeting that if they approved the strike they should understand one thing: We were in no financial position to support them financially if they decided to take a strike vote, so, instead, the membership approved taking a secret-ballot vote on affiliating with the UAW-CIO. So, we wrote the company and we got permission from the company to hold this secret-ballot vote. This was with the company's knowledge.

We held this secret-ballot vote on April 29 and 30 of 1952, in which the vote was 2,274 for affiliation and around 1,100 against affiliation. But this included the officeworkers. This included people working in the chemical laboratory, who later, when the NLRB election was held, were excluded. This included all of these people.

Then, we affiliated with the UAW-CIO. During this course of affiliation, the company then notified us that they would not recognize us, and they would only recognize us as an independent union; since

the affiliation we were no longer independent, and therefore, they wanted an NLRB election.

But during the course of the time between April 30, and June 10, 1952, the date of the NLRB election, the company began running full-page ads saying we were boring from within, that we led the Kohler workers astray, and accusing the officers of the independent union of selling out the UAW-CIO, and bought radio broadcasts and they called us "sellout artists."

At the same time they attempted to give birth to a new organization, called the Independent Union of Kohler Workers Association, better known to us as the IUKWA.

Mr. KENNEDY. At that time, were you aware or did you receive any information that the company began to import arms into the plant immediately after this vote in April of 1952?

Mr. GRASSKAMP. No. This was when they began. The first knowledge I had of them importing arms into the plant again was in 1953, during the contract negotiations.

Mr. KENNEDY. You were unaware of any steps that they were taking back as far as April of 1952?

Mr. GRASSKAMP. I do not know.

Mr. KENNEDY. Will you continue?

Mr. GRASSKAMP. During the course of this time, there were a number of people, around 25 in number, if my memory is correct, who then took up this crusade of the IUKWA. They ran radio programs, and they ran in conjunction with the company ads; they ran the same type of ads.

They rehearsed their speeches in the Kohler Co. office, that they were going to use on the radio programs. They carried on a real vicious campaign until June 10 of 1952, at which time the NLRB held an election.

Mr. KENNEDY. What were the results of that?

Mr. GRASSKAMP. In the NLRB election, shortly before the election, the UAW-AFL got on the ballot, too, and this was a consent election.

Mr. KENNEDY. Is that the UAW-AFL *6 Anthony Doria?

Mr. GRASSKAMP. That is right.

Mr. KENNEDY. That is the one that Johnny Dio was in, also, is that correct?

Mr. GRASSKAMP. That is correct. They got on the ballot. I will say that during the course of this time, I think the friendship between the UAW-AFL and the Kohler Co. was good. So when the vote was counted, the UAW-CIO won the first ballot, and there was no necessity for a runoff, and they had 1,831 votes, and the independent union had 850 votes, and the UAW-AFL had 710 votes, and if my memory is correct, there were 52 void votes.

Mr. KENNEDY. Was the Kohler Co. against any union at that time, or just against the UAW-CIO?

Mr. GRASSKAMP. Their newspaper ads reflected, and they definitely said that they were not opposed to any organization that their employees might join, but that they were opposed to the UAW-CIO.

Mr. KENNEDY. So, if you wanted to vote for the UAW-AFL, they would not have been against that.

Mr. GRASSKAMP. According to their newspapers ads, no.

Mr. KENNEDY. That is Anthony Doria's union, is that right?

Mr. GRASSKAMP. That is right.

Mr. KENNEDY. Go ahead.

Mr. GRASSKAMP. So, after the election, then, on June 19, the UAW-CIO was certified. Then they began negotiating a contract. They had to draw up a contract and submitted it to the company, and it took them until February of 1953 in order to get an agreement.

During the course of this time, the employees that voted were not satisfied and they wanted to take a strike vote a lot sooner, but it was on the recommendation of the officers of the local union and on the recommendation of the international union that they recognize that this is not all they were entitled to, but that they ought to work with this company for a year and because of the propaganda put out by this company against the UAW-CIO, we ought to show them that they want to work with this company and we only want what the employees are entitled to and that is all.

Right after the contract was signed, in some of our very first meetings, the company started to interpret the contract altogether different than what was understood and what the contract was supposed to mean. In one grievance session, I can remember specifically we pointed out to the company this is what it says and the company said, "That isn't what we mean." And we said, "This is what we understood this to mean and this is what it says."

In this specific grievance, it was the question of whether or not an employee was entitled to a certain amount of earnings for a call-in, and that he was entitled to the earnings for his job, which they did not want to do, and they wanted to transfer him out to a different job and pay him a different rate of pay. But for these first 4 hours, this is what he was entitled to.

At that point, they said, "If you are going to insist on what this contract says, then from now on we will send the people home instead." So we did not resolve these issues, and a lot of these issues that were brought up during this time, the same issues again cropped up.

Mr. KENNEDY. You ultimately signed a contract?

Mr. GRASSKAMP. Yes.

Mr. KENNEDY. And at that time there were statements made by union officials that they were very satisfied with the terms of the contract?

Mr. GRASSKAMP. I think that you are referring to the statement made by the regional director, Harry Kitzman, and you have to recognize the problems that were there, what was gotten, in order to understand. I am sure that anybody that would testify, that was at that membership meeting where that contract was ratified, will tell you that it took considerable selling on the part of the local union officers and the international union in order to get this contract ratified.

I think that you are referring to the statement in which the regional director said, "These are the greatest gains we ever made in a new contract."

Mr. KENNEDY. That is right.

Mr. GRASSKAMP. But along with it, you have to recognize how far the Kohler workers were behind, and how much room there was to make gains. Therefore, it is true they made gains, and maybe these were some of the largest gains that they made under a new contract.

But this does not mean that the workers were satisfied, or that the workers had anywhere near what they were entitled to.

(At this point, the following members were present: Senators McClellan, Ives, Goldwater.)

Mr. KENNEDY. Then the contract was signed when?

Mr. GRASSKAMP. February 23, if my memory is correct, 1953.

Mr. KENNEDY. Were you a union official at that time?

Mr. GRASSKAMP. I was a steward at that time.

Mr. KENNEDY. Did you become a union official after that?

Mr. GRASSKAMP. I became a union official again in June of 1953.

Mr. KENNEDY. What position then?

Mr. GRASSKAMP. President of the local union.

Mr. KENNEDY. Were you appointed president of the local?

Mr. GRASSKAMP. No, sir, I was elected by the membership, a secret ballot vote.

Mr. KENNEDY. You had opposition, did you?

Mr. GRASSKAMP. I did have opposition.

Mr. KENNEDY. Did you receive a salary as president of the local?

Mr. GRASSKAMP. No, sir.

Mr. KENNEDY. No salary?

Mr. GRASSKAMP. No salary at all.

Mr. KENNEDY. What about your expenses? Did you have an expense account?

Mr. GRASSKAMP. The only thing received from the union is if we had lost time. They reimbursed us for the lost time. If we encountered any expenses going to any conventions or conferences, we were reimbursed for whatever expenses were incurred.

Senator IVES. May I break in here on that?

You were elected president of your local at that time, were you?

Mr. GRASSKAMP. That is right.

Senator IVES. By a secret ballot vote?

Mr. GRASSKAMP. Yes, sir.

Senator IVES. Do you know what the results were?

Mr. GRASSKAMP. The exact numbers, I couldn't say. But I remember the majority was a little better than 2 to 1.

Senator IVES. Well, that is good. Have you ever had any opposition since?

Mr. GRASSKAMP. No, sir.

Senator IVES. How many times have you been elected since?

Mr. GRASSKAMP. Well, there is the policy, and this is the international union policy, that during the course of a strike, elections are just held in abeyance until the termination of the strike. So during the course of the strike, there have been no elections.

Senator IVES. There have been no elections?

Mr. GRASSKAMP. That is correct.

Senator IVES. Has there been any complaint on the part of the fellows because there haven't been any elections, that they are perfectly satisfied going along the way you have been going?

Mr. GRASSKAMP. I have heard of no complaints.

Senator IVES. You have no complaints?

Mr. GRASSKAMP. No, sir.

Senator IVES. I have no reason to doubt you. I have been over this business with you before, you know, on Kohler.

That is all at this moment.

Mr. KENNEDY. You went through the expenses. What happened then, after you signed the contract for the first year? How long was the contract good for?

Mr. GRASSKAMP. One year. The contract was to expire the end of February 1954. During the course of this year we have a number of grievances, and I think I explained pretty much the procedure as to what our problem was with the grievances in this morning's session. I would like just to say that there was a lot of issues that are now issues in this strike, that were issues in the last strike and were not resolved. I think I explained pretty clearly this morning our position on the arbitration question. In 1953 we had a contract that was subject to arbitration. Discipline and discharge were subject to arbitration. Grievances were subject to arbitration.

Mr. KENNEDY. I don't want to go through all of that again.

Mr. GRASSKAMP. The company excluded it all. We accepted the exclusion and said we merely wanted discipline and discharge subject to arbitration. The question of maternity leaves came up again. The company included in the last contract a clause which said that, if rehired, an employee would get their seniority back. But the employee had no right to be rehired.

So we got into considerable discussion on the question of maternity. We said that a woman ought to have the right to take a leave of absence, and that when she is able to come back to work, she ought to have the right to come back to work and her seniority reinstated. Of course, the one phrase that really stands out in my mind is when the chairman of the Kohler Co. committee, Lyman Conger, said that these people, if they can't learn to take care of themselves, they can't have their fun and their work at the same time.

Mr. KENNEDY. Who said that to you?

Mr. GRASSKAMP. Mr. Lyman Conger.

Mr. KENNEDY. And he was the head of the bargaining group for the company?

Mr. GRASSKAMP. The chairman of the management committee; correct.

Mr. KENNEDY. When did he say this to you?

Mr. GRASSKAMP. This, to my best recollection, was in the June negotiations of 1954.

Mr. KENNEDY. He said this about the women employees, about them having the right to come back to work?

Mr. GRASSKAMP. That is right. That is what the discussion was about. We wanted the right for the women, after their child was born, to have the right to come back to work, and that they be reinstated, but the company said that only if they rehired them, would they reinstate them. They had no right to come back under the clause in the contract. That is when this statement was made.

The question of hospital insurance and health and accident insurance, we finally come to an agreement, but we still have a plan which I don't think is adequate. But in trying to compromise, we have accepted the offer that they have made on hospital and medical insurance.

On the question of seniority, we thought we had an agreement once. We are now at disagreement as to the application of the 10 percent. On the question of the enamel shop, I think I pretty well explained

the enamel shop this morning. The company makes a lot of to-do about union security, about union shop.

Mr. KENNEDY. Isn't it true that at least in the beginning the union was demanding the union shop in there, that all the employees had to join up with the union?

Mr. GRASSKAMP. That is right; we did. The original demand asked for a union shop.

Senator IVES. May I ask a question, Mr. Chairman, just to clear this up? What do you mean by union shop? You are using that term again.

Mr. GRASSKAMP. A union shop—

Senator IVES. You say the employees were demanding a union shop. What you mean is an independent union, isn't it?

Mr. GRASSKAMP. No, I am talking strictly now about contract demands.

Senator IVES. Contract demands?

Mr. GRASSKAMP. Yes.

Senator IVES. All right. Go ahead.

Mr. GRASSKAMP. We requested a union shop. These subjects that I am talking about are not the subjects drawn up by the local union officers or the international union. These demands were drawn up by the people back in the departments. Each department steward called a meeting of his department and asked the people in his department what they felt should be in our demands. The people in the department made demands way over and beyond this.

But sitting down with the international representatives and the bargaining committee, we said "Look, we recognize there is a lot of problems here, and you are entitled to a lot of these things, but you can't expect to get these all at one time, and you ought to take the major demands, the ones that are really important, and those are the ones that we ought to get first.

"We recognize you will take some time before you get all of these things, and get the Kohler workers up to the point where the rest of the workers in America are."

So these are the demands. On the question of union shop, we asked for a clause in the contract on the union shop. We feel that when you sign a contract with the employer, both the employer and the union has the responsibility to enforce that agreement, and we have time and time again run into the problem where if we didn't get exactly what an employee thought he ought to have, the first thing you are faced with is the threat that "If you don't get what I want, I will drop out of the union."

We think they have a moral responsibility to pay their share of the fare for negotiating these benefits for them. But finding out we could not get a union shop from the Kohler Co., we modified it.

(At this point, Senator Ervin entered the hearing room.)

Senator IVES. Did you ask for an arbitration clause?

Mr. GRASSKAMP. I covered that earlier. We modified our demand to the modified union ship, which said that people who are not now members of the union don't ever have to join the union, but only new members do after a certain date. Getting nowhere with that, we modified it to maintenance of membership. We got nowhere with that. It merely said that once an employee joined the union, then he

ought to remain a member, and nobody ever had to join. We got nowhere with that, so we are at the point now where all we are asking for is a checkoff clause that is irrevocable as a checkoff clause, with the exception that in there there is an escape period whereby the employee either at the termination of the checkoff agreement, or at the termination of a contract, if he notifies the union that he no longer wishes to have his dues checked off, he can get out from under having his dues checked off.

That is the point we are on as far as union security today, and that is all we are asking for.

On the question of wages, we have to say that we felt that many of these things were more important than wages, but you have to recognize at the same time that there is—I make this admission—there is a few jobs at Kohler where the men make pretty fair, decent, money. But you cannot accept this as an overall picture, because the vast majority of the Kohler workers are anywhere from 40 to 60 to 65 cents an hour behind the people doing the comparable work in a comparable shop.

You may have seen charts, you may have seen ads in the paper, that show that the Kohler Co. take-home pay is so much more than the average for this city, or so much more than the average for that city, and so much more than the average for the State.

But what you have to remember is that in reporting these wages the Kohler Co. does not report their wages to the State they are not in this Bureau of Labor Statistics of which these things are taken out of but they are all by themselves.

If they were included in the average with the city of Sheboygan, you would find that the average then would be on the bottom of the list.

You have to remember that all of these other corporations, in arriving at these averages—this is not a one-plant average, such as they compare theirs to. On top of that, this is an average of 45 to 48 hours a week. This is at least 5 to 8 hours overtime each week, plus shift premiums all added into this, where these other figures that have been compared to theirs are, many of them, on the basis of 40 hours a week and some 39.4 hours a week.

So if you take the number of hours and divide it by the take-home pay, this is not the figure you get.

You will find that the Kohler Co. is way below the average of their competitors for the same amount of work that is done.

THE CHAIRMAN. Have you any further questions?

Mr. Grasskamp, the Chair would like to ask you 2 or 3 questions at this time.

You have been talking about the different matters that were in issue when the strike began, and in 1 or 2 instances, as I understood you, many of those things that you asked for in the beginning you have now eliminated from your requests, is that correct?

MR. GRASSKAMP. That is correct.

THE CHAIRMAN. In the course of such negotiations as you may have had, you yielded at different times on different things contained in your original requests?

MR. GRASSKAMP. That is right.

THE CHAIRMAN. Do you regard those that you have already yielded on as binding on you now?

Mr. GRASSKAMP. I think we do. I think we do. I think they were made in one set of negotiations, and if you show your good faith you accept that, that that was in that set of negotiations.

The CHAIRMAN. What you accepted or yielded, you think that is binding, that that is no longer at issue?

Mr. GRASSKAMP. At this round of negotiations; yes.

The CHAIRMAN. Now will you tell us just what is at issue here? I do not think it is this committee's business to try to settle the strike, other than as good citizens we would all like to see it settled. But what is now at issue?

What is the controversy, the remaining controversy, upon which you have been unable to agree?

Mr. GRASSKAMP. Well, of course, one of the questions is the arbitration question on discipline and discharge.

The CHAIRMAN. The what?

Mr. GRASSKAMP. Arbitration on discipline and discharge. There is the question of the application of the 10 percent. There is the question of pensions, and there is the question at this point as to who returns to work.

The CHAIRMAN. So you have four issues left?

Mr. GRASSKAMP. We have accepted the company's offer on hospitalization insurance. We have accepted the fact that they are not going to go along any more on arbitration, that they are not going to give us more than what we can possibly get out of the interpretation of the 10 percent. We have dwindled ourselves down now to the point where we have practically nothing left to gain, because many of these things that we are still asking for, and that we are willing to negotiate on now, were in the last contract. All we are trying to do at this point is to retain what we had in the last contract.

The CHAIRMAN. In other words, as I understand it, the union would be willing now to settle the strike for just what they had in the last contract; is that what you are saying?

Mr. GRASSKAMP. No; that is not the question. The No. 1 question at this time is reinstatement of the strikers. That has got to be the No. 1 question resolved.

The CHAIRMAN. The reinstatement of the strikers?

Mr. GRASSKAMP. Yes.

The CHAIRMAN. That is your big hurdle?

Mr. GRASSKAMP. That is the big hurdle.

The CHAIRMAN. You think if you could overcome that, you might resolve the other differences?

Mr. GRASSKAMP. We attempted to resolve that. If you will remember, and I do not know whether you will remember it, but it was publicized, but in October, Walter Reuther of our international union sent the company a telegram saying that we would accept the trial examiner's findings as a basis to sit down and start from that and negotiate a settlement.

The CHAIRMAN. You spoke of returning to work as being the principal hurdle.

Mr. GRASSKAMP. That is correct.

The CHAIRMAN. How many union members went out on strike? Just round numbers.

Mr. GRASSKAMP. I would say that there was 2,500 or better.

The CHAIRMAN. 2,500 union members that went out on strike?

Mr. GRASSKAMP. Union members. It has to be remembered that some of the nonunion members came to the union and joined the union, and joined the strikers after the strike started.

The CHAIRMAN. Do you know what that number would be? I am trying to get the true picture of it here.

Mr. GRASSKAMP. To the best of my knowledge, the top figure ran 2,700 and something.

The CHAIRMAN. Say 2,700 went out on strike. How many of those have returned to work?

Mr. GRASSKAMP. I don't know the exact figure right offhand. I know that there are right around 2,000 that are still out on strike.

The CHAIRMAN. Some 2,000 still out on strike. Then you would say around 700 had returned?

Mr. GRASSKAMP. I would say that is about correct. Many of these people returned under hardship conditions.

The CHAIRMAN. We may have other accurate testimony about it, but I am just trying to get the picture as I could at this time. You say some have returned. Of course, you think some have returned, you think definitely under hardship conditions, where they felt they just had to work.

Mr. GRASSKAMP. They have told us so.

The CHAIRMAN. When they return, are they still members of the union?

Mr. GRASSKAMP. We have considered them still members of the union.

The CHAIRMAN. Even those that returned to work?

Mr. GRASSKAMP. They have never withdrew from the union. They have never gotten a withdrawal card.

The CHAIRMAN. Do they still pay their dues?

Mr. GRASSKAMP. No; we have no dues paying members during the course of the strike.

The CHAIRMAN. During the course of the strike, dues are suspended; is that correct?

Mr. GRASSKAMP. That is right.

The CHAIRMAN. Where they are out of employment?

Mr. GRASSKAMP. That is correct.

The CHAIRMAN. But, were they to return to work, would you not expect dues to be paid then?

Mr. GRASSKAMP. We have not tried to collect dues.

The CHAIRMAN. You have not tried to collect dues?

Mr. GRASSKAMP. No.

The CHAIRMAN. Are most of these people still out of work, the 2,000 approximately?

Mr. GRASSKAMP. As I said this morning, most of them have found temporary jobs and are working elsewhere.

The CHAIRMAN. Most have found other jobs. I have one other question.

I believe you spoke of your election by secret ballot. Are all of your strike votes by secret ballots also?

Mr. GRASSKAMP. Yes, sir. All strike votes are by secret ballot.

The CHAIRMAN. How is your voting with respect to approving a contract that may be negotiated? Is it by secret ballot?

Mr. GRASSKAMP. Not necessarily; no.

The CHAIRMAN. Does your constitution make any provision about how a contract, after it is negotiated, may be approved by the membership?

Mr. GRASSKAMP. It has to be ratified by the membership, but I am positive there is nothing concerned that it must be by secret ballot.

The CHAIRMAN. It must be ratified. It could be done by acclamation or most any method?

Mr. GRASSKAMP. Right.

The CHAIRMAN. Do you agree with me that for the union members to have the greatest amount of democracy, the greatest right to control their own policies, would you agree with me that they should have a right, and it should be provided, that they should elect their officers by secret ballot?

Mr. GRASSKAMP. Definitely so.

The CHAIRMAN. That they should be permitted to vote on a strike by secret ballot, and the settling of a strike by secret ballot?

Mr. GRASSKAMP. Definitely so. During the course of the strike, when the strike was 16 months old, we gave the members an opportunity to vote by secret ballot.

The CHAIRMAN. I am not questioning that. I am simply trying to arrive at what I think might be appropriate legislation, because we do find so many unions, we have found a good many—I do not say it is most of them, but we have found a good many—where apparently the employees, the local union members, have very little right, very little choice in choosing of their officers, and sometimes no voice at all because they are under trusteeship, and probably have no voice in the strike. I think it should be mandatory, the policy you have in your union, I think it should be mandatory for all unions.

Mr. GRASSKAMP. We have been elected by secret ballots, and we conduct our strike votes by secret ballot also.

The CHAIRMAN. Are there further questions?

Senator Ives?

Senator IVES. I will yield to Senator Goldwater for a question.

Senator GOLDWATER. I wanted to clear a point with Mr. Rauh. It came out of this morning's discussion relative to the elections held in 1934. I had my staff check into this, Mr. Rauh, and I would like to correct the record, if the record is wrong. If you will follow this you can agree or disagree.

After the NRA Labor Board in 1934 found the KWA to be company-dominated and assisted, it held an election that same year which the KWA won and was certified by the same NRA Board.

The KWA remained the legal bargaining representative of the Kohler employees from that date until 1952 when it lost an election conducted by the NLRB to the UAW. During that 17-year period, not only were no charges ever filed against Kohler that KWA was company dominated, which would have been illegal all during that period, but KWA actually won two elections.

In 1947 KWA beat the A. F. of L. in an election for bargaining representative conducted by the Wisconsin Labor Board.

Again in 1951, KWA beat the UAW in a similar election conducted by the Federal NLRB, and KWA was certified as the bargaining representative by the NLRB. Thus, KWA was never found between

1934 and the present to be either company assisted or company dominated, and no charges to that effect seem to have been filed.

I understand, and I have not checked with the counsel, but he can comment on this if he cares to, that there is documentary evidence in the possession of the committee that the old NRA Labor Board certified KWA as bargaining representative at Kohler's after its previous finding of company domination of KWA.

Is that substantially a correct statement?

Mr. RAUH. We understand that is substantially correct, Senator Goldwater.

Senator GOLDWATER. It was a little confusing this morning as to the times when the different laws applied. I have also been advised that the Wagner Act did hold a company-dominated union to be against the law.

I think, Mr. Chairman, in order to keep this record straight at this time, too, I would like to read a very brief quotation from the intermediate report of the NLRB trial examiner in the case against the Kohler Co. now pending before the NLRB, which is case No. 13-CA-1780. I quote from that:

The background evidence showed that Kohler had given assistance in various forms to KWA until the affiliation with UAW, though domination as such had faded rapidly in the late forties with the emergence of a militant KWA leadership and had ceased in any practical sense some time prior to the 1952 election. In the meantime, and concurrent with the growing independence of KWA, Kohler began a withdrawal of various privileges and forms of assistance. Much of such assistance had been withdrawn before the affiliation, that is, with UAW, and what remained was withdrawn shortly thereafter.

That is from the trial examiner's report.

Do you agree with that?

Mr. RAUH. Yes, we do. Possibly it would be well to put the 1934 decision in the record at this point. We would offer it as an exhibit for your consideration, Mr. Chairman.

The CHAIRMAN. It may be passed up to the committee.

(The document was handed to the committee.)

The CHAIRMAN. I do not think it is necessary to print all of these things, but without objection from the committee it will be filed as exhibit No. 2 for reference.

(The document was marked "Exhibit No. 2" for reference, and may be found in the files of the select committee.)

Mr. KENNEDY. I just have a few more questions.

You say that the question of rehiring the strikers is the question that is keeping you apart now?

Mr. GRASSKAMP. It is one of the questions. It is the No. 1 question.

Mr. KENNEDY. The main thing that is keeping you apart?

Mr. GRASSKAMP. The main question.

Mr. KENNEDY. Is the union arguing at all that the strikers should be rehired?

Mr. GRASSKAMP. We were prepared to accept the trial examiner's decision.

Mr. KENNEDY. On the question of which strikers should be rehired, is that correct?

Mr. GRASSKAMP. Correct.

Mr. KENNEDY. There were charges against some that they had participated in illegal or improper acts, in which the trial examiner held that the company should not have to rehire them, is that correct?

Mr. GRASSKAMP. Although we disagreed with him, we were willing to accept that.

Mr. KENNEDY. You were willing to accept the fact that they would not to be rehired, some of them?

Mr. GRASSKAMP. That is right.

Mr. KENNEDY. You were not arguing that all those that went on strike, no matter what they had done while on strike, should be rehired, is that correct?

Mr. GRASSKAMP. We did, up until the time that the trial examiner made his findings.

Mr. KENNEDY. But you were agreeable to the fact that they would not all be rehired as of this time?

Mr. GRASSKAMP. That is right.

Mr. KENNEDY. Statements have been made that at the time or while this mass picketing was going on, that there were some 500 goons in this line of strikers and pickets. Do you have anything to say about how many people you had from the outside in addition to the 12 or 15 you named this morning?

Mr. GRASSKAMP. There was none more than that from the outside. We have never had any imported people on the picket line, other than the Kohler people themselves.

Mr. KENNEDY. Why did you have the 12 or 15 up there at that time?

Mr. GRASSKAMP. They were there for a number of reasons. First of all, as I testified, some of these worked for the Briggs Corp., and we got advice from some of these working for the Briggs Corp., as to their production standards, their wage rates. We had them there for those reasons. We wanted to make sure that we weren't asking anything beyond the Kohler Co.'s competitors. The record will show that any number of people, the Governor of Wisconsin, Secretary Mitchell, President Eisenhower, and the clergy, any number of people have offered that the strike should be arbitrated. We have accepted every one of them. The company has rejected all of them.

Mr. KENNEDY. They have not been willing to arbitrate to strike, is that right?

Mr. GRASSKAMP. That is right.

Mr. KENNEDY. And on their interpretation of the arbitration, could they fire anybody then in the plant who happened to be a union leader or for any reason that they saw fit? That would not be permitted to go to arbitration?

Mr. GRASSKAMP. The best example of that is during the discussions in September, when Circuit Judge Murphy, who was in on negotiations, when he sat in on it, and he raised this question with them. He said, "Supposing you discharged the people sitting right here on this other side of the table."

At that point, Mr. Conger said "Well, if they were fired for union activity, they got a recourse."

But the judge said, "Suppose you fire them for some petty reason other than union activity. What recourse would they have?" And he said, "None."

Mr. KENNEDY. And that is what you were arguing about, is that right, that you were trying to get something written into the contract that would permit some recourse in that?

Mr. GRASSKAMP. That is right.

MR. KENNEDY. The National Labor Relations Board trial examiner held, as I understand, that the company was prolonging the strike?

MR. GRASSKAMP. That is correct.

MR. KENNEDY. That the blame for the length of the strike was the fault of the company? Is that right? That is, rather than the union?

MR. GRASSKAMP. He found that the company refused to bargain in good faith, that they have prolonged the strike. He found many reasons for that, that they were engaged in surface bargaining, that they refused to give us information requested by the union; they refused to discuss with the union the question of the people discharged on March 1, 1955.

MR. KENNEDY. We are going to have some witnesses appear before the committee who were unable to get into the plant during this period of mass picketing. I am going to ask you just if you know anything about their cases. Miss Alice M. Tracey, do you know anything about her being unable to get into the plant?

MR. GRASSKAMP. No, I know her, but that is all.

MR. KENNEDY. You had nothing to do with it personally?

MR. GRASSKAMP. No.

MR. KENNEDY. Harold Jacobs?

MR. GRASSKAMP. I know Harold Jacobs well.

MR. KENNEDY. Did you know he was unable to get into the plant?

MR. GRASSKAMP. I saw him there, but I don't know that he was unable to get into the plant.

MR. KENNEDY. But he has been a friend of yours?

MR. GRASSKAMP. Yes, for a long time.

Senator IVES. Is he still a friend of yours?

MR. GRASSKAMP. Well, we haven't had any words together. We haven't talked to each other.

Senator ERVIN. That is not always the test.

I once heard of a man who had some difficulties with his wife and the judge asked him, he said, "What caused the difficulty?"

He said he didn't know exactly, and the judge asked him, "Didn't you have words?" He said, "Yes, but I didn't get a chance to use them."

MR. GRASSKAMP. I want to say that I think in my opinion he was probably the leader of the group that did appear across the street.

MR. KENNEDY. Jacobs was?

MR. GRASSKAMP. I think he was.

MR. KENNEDY. Had he been with you at one time? Had he been on your side at one time?

MR. GRASSKAMP. He was a member of the union, yes.

MR. KENNEDY. Do you know Oostdyk or Miesfeld?

MR. GRASSKAMP. I know "Dyke" well. He is a cousin of mine.

MR. KENNEDY. A cousin of yours?

MR. GRASSKAMP. That is correct.

MR. KENNEDY. Did you know he was kept out of the plant?

MR. GRASSKAMP. I don't know that personally, no, except what I said this morning, what I read in the paper.

MR. KENNEDY. And Miesfeld?

MR. GRASSKAMP. I heard of him.

MR. KENNEDY. And Vass?

Mr. GRASSKAMP. I don't know about Vass.

Mr. KENNEDY. You didn't have anything to do with these cases?

Mr. GRASSKAMP. No, sir.

Senator IVES. Mr. Chairman, I would like to follow a little of that up.

You say you have a cousin that was on the list that the counsel just read?

Mr. GRASSKAMP. That is correct.

Senator IVES. I understand that one of the sad things or the unfortunate things about the whole Kohler matter is that there is a division of families as a result of it. Has that affected your family so that there is a feeling of hostility within the family? How are you and this cousin, for example? Is he a first cousin?

Mr. GRASSKAMP. Well, his dad is my first cousin.

Senator IVES. He is the second cousin?

Senator ERVIN. He would be his first cousin once removed.

Senator IVES. Are you on speaking terms at all now?

Mr. GRASSKAMP. With him?

Senator IVES. Yes.

Mr. GRASSKAMP. Yes; he spoke to me at the Federal court hearing in Milwaukee during the course of these—

Senator IVES. Is that the only time you were able to get together?

Mr. GRASSKAMP. That is the only time we were together.

Senator IVES. Then there is feeling within the family; is that true?

Mr. GRASSKAMP. There is no question but what there is a lot of feeling between families.

Senator IVES. That is a very unhappy situation in a place no larger than where the Kohler plant is.

Are you through, Mr. Counsel?

Mr. KENNEDY. Yes.

Senator IVES. I want to ask the witness this question: When were you notified that you were supposed to appear at this hearing this morning and testify?

Mr. GRASSKAMP. I appeared voluntarily.

Senator IVES. Did you know there was going to be a hearing this morning?

Mr. GRASSKAMP. We have offered right along. No. I was notified this morning.

Senator IVES. Not until this morning did you know anything about the hearing; is that right?

Mr. GRASSKAMP. Yes, sir.

Senator IVES. Or that you were expected to appear?

Mr. GRASSKAMP. That is right. I did not know until this morning.

Senator IVES. You had no opportunity to prepare anything; is that correct?

Mr. GRASSKAMP. No; with the exception that when the question was raised, we said that we would voluntarily appear. We have voluntarily appeared. But I did not know until this morning that I was to be the No. 1 person to testify, and I certainly want to say that I feel flattered by the committee to be taking the place of our president, Walter Reuther.

Senator IVES. I want to say this: Your union does not need to be ashamed of having you appear here today, because you have made an excellent presentation.

Mr. GRASSKAMP. Thank you.

Senator IVES. And I do not think that your president could have done better. What you have said has come right out of the heart and come straight from firsthand knowledge, and you have been sincere, in it, obviously, and that is the kind of testimony that we wanted. I want to commend you and congratulate you.

Mr. GRASSKAMP. I want to say thank you, and I am certainly willing to cooperate with this committee as long as these hearing go on.

Senator GOLDWATER. I think the statement of Senator Ives just bears out what we have been saying for the last 4 days, that this type of witness can do a better job than the president.

The CHAIRMAN. I would judge from the statement that Mr. Reuther issued today, that he does not wholly agree with you.

Senator ERVIN. If I may make an observation about the procedure, the procedure we have followed has left me in a state of ignorance as to what the allegations and counterallegations are. I do not like to disagree with anything on the panel, but I think it would have been much better if we had had a statement from each side as to what they contended before we began to take evidence.

Now, I have to hear the evidence first to find out what the allegations are, which is backward to everything I have ever done as a lawyer.

Mr. GRASSKAMP. I want to say, in checking the record this morning, that on this question that you raised as to the mass picketing in front of the plant, I checked and I find that there were 7 or 8 different arrests for unlawful assembly and egress and ingress, but they have all been dismissed and none of them have been found guilty.

The CHAIRMAN. Were any of those for violence? That was the question.

Mr. GRASSKAMP. No, sir.

The CHAIRMAN. But they were arrested for obstructing ingress and egress?

Mr. GRASSKAMP. Ingress and egress; but they were found not guilty.

The CHAIRMAN. Are there any other questions?

Thank you very much.

Call the next witness. Do you think this witness will be needed any further?

Mr. KENNEDY. I do not think so, or at least I know of no other reason.

The CHAIRMAN. Thank you very much. Call the next witness.

Mr. KENNEDY. Alice M. Tracey.

The CHAIRMAN. Mrs. Tracey, will you be sworn?

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. TRACEY. I do.

TESTIMONY OF MRS. ALICE M. TRACEY

The CHAIRMAN. Will you state your name and your place of residence and your business or occupation, please?

Mrs. TRACEY. My name is Mrs. Alice Tracey, and I live at 827 North Sixth Street, Sheboygan, Wis., and I am employed by the

Kohler Co. At the time of the strike I was employed in the armature generator department of the E. E. P., and I am now an inspector.

The CHAIRMAN. You are aware of the fact that you have a right to counsel to advise you of your legal rights while you testify. Do you waive counsel?

Mrs. TRACEY. I do.

The CHAIRMAN. Thank you.

Proceed.

Mr. KENNEDY. Mrs. Tracey, you have been working at the Kohler Co. for how long?

Mrs. TRACEY. For 31 years.

Mr. KENNEDY. And in what division in the Kohler Co. do you work?

Mrs. TRACEY. I have always been in the E. E. P. department.

Mr. KENNEDY. What is the E. E. P.?

Mrs. TRACEY. Electric engineering and power.

Mr. KENNEDY. What sort of work do you do?

Mrs. TRACEY. At the present time I am an inspector. I was working in the generator department, winding armatures at the time of the strike.

Mr. KENNEDY. During this 30-year period, were you ever a member of a union?

Mrs. TRACEY. Which union?

Mr. KENNEDY. Were you a member of the Kohler Workers Association?

Mrs. TRACEY. I was.

Mr. KENNEDY. Were you an officer or just a member?

Mrs. TRACEY. I was just a member.

Mr. KENNEDY. And then the KWA affiliated with the UAW, and did you vote for or against the affiliation?

Mrs. TRACEY. I was not there.

Mr. KENNEDY. You were not there?

Mrs. TRACEY. No.

Mr. KENNEDY. Did you ever become a member of the UAW?

Mrs. TRACEY. I did not.

Mr. KENNEDY. Now, at the time that the strike took place, on April 5, 1954, did you join the picket line?

Mrs. TRACEY. I did not.

Mr. KENNEDY. You did not approve of the strike?

Mrs. TRACEY. I did not.

Mr. KENNEDY. Did you at any time attempt to go to work?

Mrs. TRACEY. I did.

Mr. KENNEDY. When did you attempt to go to work?

Mrs. TRACEY. I attempted to go to work on April 12, May 10, and I believe the other day was May 27.

Mr. KENNEDY. Would you tell us what happened when you attempted to go to work?

Mrs. TRACEY. Well, when we attempted to go to work, the picket line—or it was not a picket line; it was people standing in the industrial road—came out to meet us and on the boulevard and they held us back.

Mr. KENNEDY. What do you mean? Who is "they"?

Mrs. TRACEY. I wouldn't know the names, sir.

Mr. KENNEDY. Who was "us"?

Mrs. TRACEY. We were the people who wanted to go to work.

Mr. KENNEDY. That was a group of you?

Mrs. TRACEY. That was a group.

Mr. KENNEDY. And you all got together, did you?

Mrs. TRACEY. There were four women and myself, who came out to go, and then there were some men there, because there was always some there.

Mr. KENNEDY. A group of you women and the men got together to go and you started to come across, did you?

Mrs. TRACEY. We did.

Mr. KENNEDY. And you got to the picket line?

Mrs. TRACEY. Yes, sir.

Mr. KENNEDY. Did you try to go through then?

Mrs. TRACEY. They would not let us through.

Mr. KENNEDY. Now, could you tell us what happened when you got to the picket line?

Mrs. TRACEY. We got to the picket line, and we pushed them and they pushed us, and we asked Mr. Cappelle to help us through.

Mr. KENNEDY. Who is he?

Mrs. TRACEY. He was chief of police of Kohler Village.

Mr. KENNEDY. He was chief of police of Kohler Village?

Mrs. TRACEY. Yes, sir.

Mr. KENNEDY. That is C-a-p-p-e-l-l-e?

Mrs. TRACEY. Yes, sir.

Mr. KENNEDY. You asked him to help?

Mrs. TRACEY. We did.

Mr. KENNEDY. What did he do?

Mrs. TRACEY. He tried to help us with his deputies, and they asked them to open up the lines and let us through, and they refused, and one morning I saw one of them was pushed down.

Mr. KENNEDY. One of the deputies?

Mrs. TRACEY. Yes, sir.

Mr. KENNEDY. And you pushed, and they pushed back, and they would not let you through?

Mrs. TRACEY. They would not let us through.

Mr. KENNEDY. Did anything happen to you when you were up there at the line?

Mrs. TRACEY. Yes, sir.

Mr. KENNEDY. What happened to you?

Mrs. TRACEY. Well, I was tromped with something besides soft-soled shoes, because my shoe was torn off on the side.

Mr. KENNEDY. Somebody stepped on your feet?

Mrs. TRACEY. It was Mr. Ferrazza.

Mr. KENNEDY. He stepped on your feet?

Mrs. TRACEY. Yes, sir.

Mr. KENNEDY. He is from the union?

Mrs. TRACEY. He is from the union.

Mr. KENNEDY. When you came and tried to go through the picket line, he stepped on your feet?

Mrs. TRACEY. He was standing right in front of me and he was stomping up and down like a racer would.

Mr. KENNEDY. Was this all of the time he was stomping up and down on your feet?

Mrs. TRACEY. Not all of the time, but he did while we were there. He also call for girls to come through from in back, because we were women.

Mr. KENNEDY. He wanted the girls to come forward?

Mrs. TRACEY. There was a solid block of men from the islands clear back to the industrial sidewalk. On the sidewalk was a double line of people that I recognized as Kohler workers; those out on the island I didn't recognize, except a few that I knew were representatives of the international union. In fact, I even asked one gentleman what he was doing there and I said, "You don't belong there and I never have seen you here." And he told me it was strictly none of my business if he wanted to be here from outside.

Mr. KENNEDY. How many people did you see from outside, or people that you did not recognize?

Mrs. TRACEY. I did not recognize any of them, except one man. That was in the island, in from the sidewalk out to the island, in the industrial road, let us put it that way, and that is about 15 feet, at least.

Mr. KENNEDY. And the people that actually were the employees you saw in the background?

Mrs. TRACEY. They were in, in the background, sometimes with arms linked, but not one right close to the other, circling around, above the office and down below the employment office, and I can't tell you just how far.

Mr. KENNEDY. Did you ever get into a fight with any of them, yourself?

Mrs. TRACEY. I did.

Mr. KENNEDY. With whom did you get into a fight?

Mrs. TRACEY. At the time I did not know the girl, but later she was told in one of the hearings that she was Gretchen Seybold.

Mr. KENNEDY. Gretchen Seybold?

Mrs. TRACEY. Yes, sir. And she was one of those that they pushed through from in back, and as they pushed her through, she came through with such force that she hit me on the arm with her elbow, I think, and raised a black and blue mark about the size of an egg, which I carried some 6 weeks, and made me angry, and I slapped her with the back of my hand. I was in there so tight I couldn't have done anything else.

Mr. KENNEDY. What did they claim that you struck her with?

Mrs. TRACEY. They claimed I struck her with my first, and, if I had, she would have had a mark.

Mr. KENNEDY. They said you had something in your hand at the time?

Mrs. TRACEY. Yes. They said I had a purse loaded.

Mr. KENNEDY. Did you have a purse in your hand?

Mrs. TRACEY. I did not. I had my dinner bucket, and I went right to one of the deputies—one of these plastic dinner buckets with a drawstring on it—and I went right to a deputy and I had him look in my bucket. All that was in there was a pair of slacks, and I am not sure whether it was an apple or an orange, or a sandwich, and he looked in it.

Mr. KENNEDY. They are saying you struck her with your dinner bucket, and, really, it was just a bag, with your slacks and an apple and an orange?

Mrs. TRACEY. I didn't strike her with that at all. They said I struck her with my fist, but I didn't. I struck her with the back of my hand.

Mr. KENNEDY. How did the dinner bucket get in it at all?

Mrs. TRACEY. They claimed I was carrying a loaded dinner bucket, and I was swinging it around, and it was hanging on my arm like this by the cord.

Mr. KENNEDY. How did you strike her?

Mrs. TRACEY. I struck her with the other hand, and I couldn't move that one.

Mr. KENNEDY. How was that finally decided?

Mrs. TRACEY. Well, I don't know.

Mr. KENNEDY. Did you receive some threatening telephone calls?

Mrs. TRACEY. My telephone rang for weeks, but for the first 2 or 3 weeks I would be called any time, day or night, and there were some times they just would call me and hang up when I answered, or they called me back again, and sometimes I was called all of the filthy names you could lay your tongue to.

Senator IVES. Could I ask a question there.

How long did this telephone business continue?

Mrs. TRACEY. Well, in fact I had a telephone call not more than 3 months ago.

Senator IVES. Three months ago?

Mrs. TRACEY. Yes, sir.

Senator IVES. These calls were at night, were they not?

Mrs. TRACEY. Nights and days both. In the first part of the strike, sir, it was both.

Senator IVES. The calls that bothered you most came at night, and occurred all night long?

Mrs. TRACEY. Yes, sir.

Senator IVES. Did you ever do this, which some of us have to do in that connection: Did you ever take the receiver off the cradle and leave it off?

Mrs. TRACEY. No, sir.

Senator IVES. So your bell would not ring?

Mrs. TRACEY. I put my telephone down in an upholstered chair and put two pillows on top of it.

Senator IVES. That might do it all right.

In other words, they did not bother you too much, did they?

Mrs. TRACEY. I let it go on. I wouldn't give them the satisfaction of taking a private number, or of not answering for some time. For a couple of months or more, I was just too angry for that.

Senator GOLDWATER. Mrs. Tracey, are you married?

Mrs. TRACEY. My husband has been dead some 31 years.

Senator GOLDWATER. You are a widow. And do you have children?

Mrs. TRACEY. I have four, yes, sir.

Senator GOLDWATER. Did you put them through school yourself?

Mrs. TRACEY. I did.

Senator GOLDWATER. Did you husband work at Kohler?

Mrs. TRACEY. Yes, sir.

Senator GOLDWATER. How long did he work there?

Mrs. TRACEY. Just about a year.

Senator GOLDWATER. Now, when you tried to get through the picket line, on May 10, did you ask help from the sheriff?

Mrs. TRACEY. I called the sheriff's office. Who answered I don't know, but I called and asked them when they were going to open up the line and the answer I got was, "What do you want us to do; go out there and get our heads bashed in?"

Senator GOLDWATER. Did you ever call the sheriff again for help?

Mrs. TRACEY. I never called him. I talked to, I don't know whether you call them deputies or what out on the line, and I asked one of them when we could get in, and he told me to go home, it would be settled in 2 weeks, and they never in any way, from the sheriff's office, gave us any help whatsoever.

Senator GOLDWATER. Did you have any friends that tried to get help from the sheriff's office?

Mrs. TRACEY. Not that I could get up here and swear the truth that I would know what to say.

Senator GOLDWATER. But the chief of police did try to help you?

Mrs. TRACEY. Of Kohler, yes, and he did and his deputies.

Senator GOLDWATER. That was the chief of the village of Kohler?

Mrs. TRACEY. Yes, sir, the village police.

Senator GOLDWATER. The sheriff was the sheriff of the county?

Mrs. TRACEY. County of Sheboygan; yes, sir.

Senator GOLDWATER. Now, this man that jumped up and down in front of you, you say, and tore your shoes, I think you said his name was Ferrazza?

Mrs. TRACEY. I believe that is the way you pronounce it.

Senator GOLDWATER. Jess Ferrazza?

Mrs. TRACEY. Yes, sir.

Senator GOLDWATER. Do you know what office he held in the union?

Mrs. TRACEY. I knew he was an international representative of some kind; yes.

Senator GOLDWATER. Was he a resident of Kohler Village?

Mrs. TRACEY. He was not.

Senator GOLDWATER. Do you know where he was from?

Mrs. TRACEY. I thought he was from Detroit, but I don't know for sure.

Senator GOLDWATER. You had not seen him around there?

Mrs. TRACEY. He had been around there for some time.

Senator GOLDWATER. You never saw him working in the plant?

Mrs. TRACEY. No, sir.

Senator GOLDWATER. I think you stated this, but I wanted to ask you again to make sure, for the record, that you have lived in Kohler Village for a considerable length of time.

Mrs. TRACEY. No. I lived in Kohler Village at one time, but since 1931 I moved to Sheboygan and I lived there ever since.

Senator GOLDWATER. That is how far away?

Mrs. TRACEY. About 4 miles.

Senator GOLDWATER. You have worked in the plant how long?

Mrs. TRACEY. Thirty-one years.

Senator GOLDWATER. So you would know a large number of the workers by sight?

Mrs. TRACEY. Yes, sir; by sight, I would.

Senator GOLDWATER. Did you see many outsiders in the picket line?

Mrs. TRACEY. Yes, sir.

Senator GOLDWATER. Have you ever tried to recall how many you might have seen, or would you care to make a statement to that effect?

Mrs. TRACEY. I must say that I am kind of poor at estimating numbers of people, but I would safely say on my honor that I know there were more than 100 standing right out there that 1 morning. Outside of one man, I didn't know a soul. I didn't recognize any of the faces.

Senator GOLDWATER. Now, Mrs. Tracey, did the Kohler Co. ever approach you offering to give you assistance or give you money, or any other kind of help for attempting to come back to work?

Mrs. TRACEY. No, sir.

Senator GOLDWATER. You just went back through that line of your own accord?

Mrs. TRACEY. I certainly did, and I figured that I am an American citizen and I have a right to work, if I so desire.

Senator GOLDWATER. I could not agree with you more. Has the Kohler Co. down through the years treated the employees in a decent manner?

Mrs. TRACEY. I have always been treated very fair, and I raised and educated four children and gave them all better than a high-school education, and they all hold good jobs today, and I have no one in the world to thank more than I have the Kohler Co.

Senator GOLDWATER. Do any of your children work for Kohler?

Mrs. TRACEY. No, sir.

Senator GOLDWATER. That is all I have, Mr. Chairman.

The CHAIRMAN. Is there anything further?

Senator ERVIN. Did you advise the pickets that you wanted to get in the plant to work?

Mrs. TRACEY. Well, what could be more impressive than I walked across the road to meet that bunch of men?

Senator ERVIN. How many were there?

Mrs. TRACEY. Well, I think Mr. Grasskamp said 1,800; and I would agree with him wholeheartedly.

Senator ERVIN. Certainly one lone lady could not quite crash the gates against that formidable number.

Mrs. TRACEY. No. Unless you wanted to go to work, you wouldn't be there, I will say that.

Senator ERVIN. That is all.

The CHAIRMAN. Was the purpose of this massed group of people out there solely to keep you away, and keep you out of the plant?

Mrs. TRACEY. Yes, sir; and they told us so. And they said, "You won't get through," and they just hollered that all of the time.

The CHAIRMAN. So there can be no question but what the international representatives of the union who were there present knew at the time that mass picketing to prevent ingress and egress to the plant was going on?

Mrs. TRACEY. They certainly must have, because they were standing there. Mr. Burkhardt was standing there right on the island, as they call it, and he certainly could see it.

The CHAIRMAN. Who was he?

Mrs. TRACEY. At that time he was, I believe they call it, the head of the bargaining committee from the international office. I am not sure that is correct, but anyhow he is sent there by the head of the UAW to help bargain for a contract.

The CHAIRMAN. From what you observed there in your efforts to get into the plant to go to work, could anyone have misunderstood the purpose of the tremendous crowd that was assembled there?

Mrs. TRACEY. If they did they must have been very, very ignorant.

The CHAIRMAN. Would you call what happened to you peaceful picketing?

Mrs. TRACEY. I certainly would not.

The CHAIRMAN. All right.

Is there anything else?

Senator IVES. Mr. Chairman, I think one thing could be cleared up. I think we have a terrific conflict here as to whether in the first place more than 15 of the pickets came from outside of the employees of Kohler. According to the testimony given by the witness this morning and early this afternoon, it was limited to around 15.

According to the lady before us here, I think she said something like 100. Is that what you said?

Mrs. TRACEY. I would say at least 100 there that I didn't recognize, and I didn't recognize their faces, except just 1 gentleman.

Senator IVES. Well, I want to point this out, that if what the witness said this morning is correct, and that is what we are going to have to ascertain if we can, there is no violation of Taft-Hartley. But if what you say is correct, there was a violation of Taft-Hartley. That is the way the thing stands at the moment.

Mrs. TRACEY. Yes, sir.

The CHAIRMAN. Is there anything else?

Thank you very much, Mrs. Tracey.

Mr. KENNEDY. Mr. Harold Jacobs.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JACOBS. I do.

TESTIMONY OF HAROLD N. JACOBS

The CHAIRMAN. State your name, and your place of residence, and your business or occupation.

Mr. JACOBS. My name is Harold N. Jacobs, and I live at 510 Green-trie Road, Kohler, Wis., and I am employed at the power division of the Kohler Co.

The CHAIRMAN. You waive the right to counsel, Mr. Jacobs?

Mr. JACOBS. Yes, sir, I do.

Mr. KENNEDY. You have been with the Kohler Co. for how long?

Mr. JACOBS. At the present time, about 26½ years.

Mr. KENNEDY. And you were once a member of the UAW?

Mr. JACOBS. Yes, sir, I was.

Mr. KENNEDY. And you left the UAW prior to the calling of the strike because you felt the demands that the UAW was making of the Kohler Co. were too high?

Mr. JACOBS. That is right.

Mr. KENNEDY. You felt that the union had been in there only a short period of time and the requests they were making or the demands they were making of the company were far too stringent?

Mr. JACOBS. Yes, I do.

Mr. KENNEDY. And did you feel that this was unfair, and that you did not want to be associated with this kind of an operation?

Mr. JACOBS. That is right.

Mr. KENNEDY. So you left the UAW, is that right?

Mr. JACOBS. Yes, sir.

Mr. KENNEDY. Now, when the strike was called, therefore, and the men went out and the picketing started on April 5, you did not participate in the picketing?

Mr. JACOBS. No.

Mr. KENNEDY. You disapproved of this operation?

Mr. JACOBS. Yes, sir, entirely.

Mr. KENNEDY. Did you make any attempts to go through the picket line?

Mr. JACOBS. Yes, sir, I did.

Mr. KENNEDY. Can you tell the committee what attempts you made to go back to work, and how you were prevented from doing so?

Mr. JACOBS. Yes, sir. I went down there the first morning at the regular scheduled work hour to go to work and approached my normal gate of entrance and I was blocked by some automobiles and by massed pickets.

Mr. KENNEDY. You were driving yourself then?

Mr. JACOBS. Yes, sir, I was. So I did not try to enter that gate at all, because I realized it was impossible. I turned and went up on High Street to the main entrance of the plant, and there were anywhere from 1,500 to 1,800 people blocking that entrance there.

So I parked my car, and I walked across the street, and stood there and I made no actual attempt to enter the plant that first morning, and I don't think that I did for 3 or 4 mornings. But I went down there every morning and tried to get into work.

At that time there weren't enough of us, I would say, to really make a concerted effort to get in.

But a few weeks later there were enough of us, and we tried to get in, and I tried to drive through in my car, and we were blocked and stopped, and we could not get in.

Mr. KENNEDY. What did you do in your automobile then?

Mr. JACOBS. Well, I had driven this car into the island, as they say between the Industrial Road and High Street, in Kohler, and it was completely surrounded by pickets and representatives of the union. I requested the sheriff to open up the line for me, and told him I would stay there just as long as there was any chance of getting in.

I think I had 3 or 4 other men with me in my car. We stayed right in the automobile. We did not get out, but we stayed in there waiting for them to open the line.

He went across the road and talked to the picket captains and the pickets, I guess, and came back and told me, that is the only knowledge I have of the conversation, that he had talked to them, and said it would be impossible to get us in.

I asked the chief of police of Kohler, Mr. Capelle, if he would try and he made an attempt. But they would not open the line.

As I said, these men were right up to the car. One gentleman had his knees up to my bumper, and I wouldn't injure anyone. I think we were in there from a half hour to 45 minutes with no success. I moved my car ahead about 6 feet in the course of 45 minutes, and all

this while they were threatening that if I came in, they were going to tip my car over.

Mr. KENNEDY. Did they physically hurt you at all then?

Mr. JACOBS. No, sir. I did not get out of my car, and no one reached in my car. One of the local men from the union came and talked to me through the window. Otherwise, I had no bodily harm or anything.

Senator IVES. I would like to ask one question along that line, Mr. Counsel.

Did they threaten you then or at any other time?

Mr. JACOBS. Did they threaten us? Yes.

Senator IVES. Did they threaten you personally?

Mr. JACOBS. Yes, a number of times.

Senator IVES. What did they threaten you with? What were they going to do with you?

Mr. JACOBS. They told me that if I drove my car in, they would tip it over, and I had phone calls, and I recognized the man's voice, and he told me I was going to get beat up if I drove across the line. He said, "We are not a bunch of kids. If you think you are going to get in, you are not going to get in today or any other day."

Senator IVES. In other words, they threatened to do bodily harm to you, is that right?

Mr. JACOBS. Yes, sir.

Senator IVES. Then what you are saying, if that is true, that is a violation of the Taft-Hartley.

Mr. JACOBS. If that is a violation, it happened.

Mr. KENNEDY. Then you backed your automobile, out of there?

Mr. JACOBS. Yes. I stayed there and finally I talked to the sheriff for the last time, and I said if he couldn't get us in, I surely didn't want to run anybody over, and if he would clear the people from the rear of the car, I would get out and peacefully leave the picket line, which he did, and I backed my car out and tried to get out of the village.

Mr. KENNEDY. Did you try to get in again?

Mr. JACOBS. Yes. I made attempts after that quite frequently.

Mr. KENNEDY. Did you cross over across the street and try to get in?

Mr. JACOBS. Yes, I did.

Mr. KENNEDY. And they would not allow you in?

Mr. JACOBS. No, sir.

Mr. KENNEDY. Did you also receive threatening telephone calls at home?

Mr. JACOBS. Yes, sir; at all hours of the day or night.

Mr. KENNEDY. What would they say on the telephone?

Mr. JACOBS. They would curse at you, and tell you not to come down to picket line, "You are not going to get in," words to that effect. It was practically the same conversation every time I picked it up. They wouldn't identify themselves. They would just tell us not to come down to the picket line, "You are not going to get in," and that was it.

Senator IVES. What did you do? Did you put your telephone under the pillow, too?

Mr. JACOBS. I had a daughter at school at that time, and I expected telephone calls. I did cover it up, I will admit that, and eventually I asked for a private line.

Senator IVES. An unlisted number?

Mr. JACOBS. An unlisted number, yes. The company kept it unlisted.

The CHAIRMAN. What induced you to go down and try to get into the plant?

Mr. JACOBS. Well, I worked there for a long time, Senator, and my father worked there before me, and I have a brother that has worked there longer than I have. My treatment at the hands of the Kohler Co. has been very good. I could perhaps go a little more into detail and explain what I mean by that. I had every reason to go back in to work, and none at all to stay out.

The CHAIRMAN. You wanted to go to work; that was the purpose of going down there?

Mr. JACOBS. Absolutely. That is right.

The CHAIRMAN. Were you induced to make the effort by Kohler or anyone representing the company?

Mr. JACOBS. No, sir.

The CHAIRMAN. You were not persuaded, or there were no arrangements made with you to go down and make an attempt to see what would happen?

Mr. JACOBS. No, sir. I was down there quite a long time, a number of times, before I ever saw anybody from the Kohler Co., and at no time—

The CHAIRMAN. In other words, you went down on your own volition because you wanted to continue working?

Mr. JACOBS. That is right.

The CHAIRMAN. You said the Kohler Co. has been very good to you.

We have had testimony here by a representative of the union that the Kohler Co. is not very good to its employees. I want to try to find out whether you have had some special favors, or whether what you term "good" is what applies to all of the employees.

Mr. JACOBS. Well, I wouldn't say I had any special favors, no. I think that in the average course, any worker that was down there that done his job, and was not a troublemaker or anything, was treated fairly.

The CHAIRMAN. What do you mean by troublemaker?

If he wanted to join a union, would you regard him as a troublemaker?

Mr. JACOBS. No, sir. I mean a man that was a good employee, that did not miss too many days during the week, or come there perhaps intoxicated or something like that. That is what I was referring to, Senator.

The CHAIRMAN. You were not referring to union activity as troublemaking?

Mr. JACOBS. No, sir.

The CHAIRMAN. In what way do you feel that the company has been so good?

Mr. JACOBS. Well, in my case, I became ill, and was on a job that was quite well paid, and when I came back, I reported to their medical department and explained my situation. They let me work as many hours as I wanted to work, and, of course, I took a different job, I asked for it—they let me work as many hours as my doctor prescribed for me. I started, I think, with a half-day, and then went to 7 hours, or whatever it was. When I felt that I was fit to put in a full day's work, they let me put in my full day's work.

I don't know of anybody down there that has had any illness or any reason to be transferred from a job to another one that hasn't been given consideration. I work in the pottery division, Senator.

The CHAIRMAN. In the pottery division? Is that where the silicosis is?

Mr. JACOBS. Yes, sir.

The CHAIRMAN. How long have you worked there?

Mr. JACOBS. I have been in pottery now since 1941.

The CHAIRMAN. Working in that department since then?

Mr. JACOBS. Yes, sir.

The CHAIRMAN. We had some testimony here about the very unsatisfactory working conditions there. What would you say about them? You do not work in the enamel shop?

Mr. JACOBS. I did at one time, Senator; yes.

The CHAIRMAN. How long did you work in the enamel shop?

Mr. JACOBS. About a year, I think.

The CHAIRMAN. When?

Mr. JACOBS. I think that was somewhere back about 1951, right before 19—about 1950, before I became ill. I was getting some sort of a nervous muscular condition, and they thought the heat would be good for me. So they transferred me from the pottery to the enamel shop and I worked there for about a year.

The CHAIRMAN. Well, was the heat good for you?

Mr. JACOBS. I couldn't answer that, Senator. I don't know.

The CHAIRMAN. You don't know?

Mr. JACOBS. No.

The CHAIRMAN. How come you to leave the enamel department?

Mr. JACOBS. The condition of my back became worse and I left there and went to Madison General Hospital in Wisconsin for treatments.

The CHAIRMAN. You were not removed from there because of silicosis?

Mr. JACOBS. No, sir.

The CHAIRMAN. You had no trouble with that?

Mr. JACOBS. No, sir. I went right back into the pottery division again.

The CHAIRMAN. Where is it the worst, in the pottery division or in the enamel department?

Mr. JACOBS. I worked in the pottery division from 1940 to 1950.

The CHAIRMAN. I am talking about the exposure.

Mr. JACOBS. I work in the casting shop of the pottery.

The CHAIRMAN. Which place is the worse with respect to this silicosis dust?

Mr. JACOBS. Well, I think you will find more dust in the pottery than you will in the enamel shop.

The CHAIRMAN. More in pottery?

Mr. JACOBS. Yes, sir.

The CHAIRMAN. In other words, in that department it is worse; is that correct?

Mr. JACOBS. Well, I mean the silica is used in the pottery part of the production, where I don't think it is used as much in enamel. I don't think there is any silica in enamel.

The CHAIRMAN. So you worked in that department for how many years?

Mr. JACOBS. Well, from 1940 until right now. I am still working in that division. I would say that would be about 16 years I have been in the pottery.

The CHAIRMAN. And in all fairness to the company, you have given one illustration of their kindness to you. I assume they did not pay you for any time you did not work. When you only worked a half-day, you only got paid for a half-day?

Mr. JACOBS. That is right.

The CHAIRMAN. Has there been any other instance of their consideration that you know of for their employees?

Mr. JACOBS. Yes. I know men that have decided they were too old to work on a production job, and have gone for a transfer, and have been transferred to gatemen, to the security division, and I know men that wanted to get out of pottery that have left there and have been transferred to the K. E. P. or to the brass foundry. I don't think they held anybody in the pottery where the dust is, as far as I know.

The CHAIRMAN. In other words, so far as your observations and your knowledge of the situation, there is not any real basis for complaint as against the company's working conditions it provides for its people?

Mr. JACOBS. I would say no, sir, there is no complaint as far as I am concerned, not at all.

The CHAIRMAN. Is there any reason why you should especially favor the company other than your own belief that it does treat you right?

Mr. JACOBS. No, sir. I have nothing to offer but my labor. I sell that to them and they pay me for it, and I think the agreement is fair.

The CHAIRMAN. Are there any other questions?

Senator Goldwater.

Senator GOLDWATER. Mr. Jacobs, I have several questions to ask you.

Did you ask the sheriff at any time for help in getting through the line?

Mr. JACOBS. Yes, I did.

Senator GOLDWATER. How did he react to that?

Mr. JACOBS. Well, as I said, he went across and talked to some of the people on the picket line. What their conversation was, I don't know. He came back and told me that if I attempted to get in, there would be bloodshed.

Senator GOLDWATER. Do you feel that he refused to give you help?

Mr. JACOBS. He refused, yes. We even offered one morning, when we became quite angry, and there were 50 or 60 of us, we offered our services as deputies to try to open the line to get through, and he refused to deputize us.

Senator GOLDWATER. He would not deputize you?

Mr. JACOBS. No, he would not.

Senator GOLDWATER. Do you know Mr. Ferazza?

Mr. JACOBS. Yes, I do.

Senator GOLDWATER. Do you know Mr. Gunaca?

Mr. JACOBS. I know him when I see him.

Senator GOLDWATER. You know him when you see him?

Mr. JACOBS. Yes.

Senator GOLDWATER. Were either of these men from Kohler Village or Sheboygan or thereabouts?

Mr. JACOBS. I do not believe so. I think they are from Detroit, both of them.

Senator GOLDWATER. Were both of these men in evidence during the strike?

Mr. JACOBS. Yes, sir. I saw them both on the picket line and had a little tussle with one of them.

Senator GOLDWATER. Which one did you have a tussle with?

Mr. JACOBS. Mr. Ferazza.

Senator GOLDWATER. Would you care to describe the tussle?

Mr. JACOBS. Well, we were trying to get in one morning, and I think it was the same morning that Mrs. Tracey referred to, and there was an ensuing battle there. We were chest to chest. I was trying to get in and he was trying to keep me out. I think at that time I swore out a warrant for him. They said it was dismissed. At least, it never came up.

Senator GOLDWATER. Did you tell Mr. Ferazza that you wanted to get in and out of the plant peacefully?

Mr. JACOBS. Yes.

Senator GOLDWATER. What did he say to you?

Mr. JACOBS. I don't think he answered me that at all.

Senator GOLDWATER. You don't think he answered what?

Mr. JACOBS. I don't think he gave me any direct answer at all.

Senator GOLDWATER. Did you gather from him that he did not want to let you in and out of the plant peacefully?

Mr. JACOBS. I am quite sure he didn't want to let me in, because he was holding me out with all of his strength. He is a big man.

Senator GOLDWATER. One day, on May 10, I believe, did you and some passengers in your car attempt to get into the plant?

Mr. JACOBS. I wouldn't be positive of the date, Senator, but I tried to enter on a Monday morning. It could have been May 10.

Senator GOLDWATER. What happened when you tried to get in? Will you tell us?

Mr. JACOBS. Yes. I drove, and had my car turned between the islands of the boulevard, the main street of Kohler and the industrial road, High Street. Between there, there are grass islands. I had my car turned into the grass island and was completely blocked by a mass of people. While they were there, they drove a car midway between the entrance of the gate. It was a CIO sound truck. I don't know if it was local 212 or not. At least, I recognized it as a sound truck that had been brought in from Detroit to help with the strike or something.

Senator GOLDWATER. Did you notice if it had Michigan license plates?

Mr. JACOBS. No, sir; I do not recall. As I said, I tried to move my car. I had the motor running, and I tried to move my car ahead little by little to reach the entrance of the gate, but it was impossible to do without running over 20 or 30 people. They were massed between me and this gate. Then the picket line proper was behind the truck.

Senator GOLDWATER. Did they do anything to your car?

Mr. JACOBS. They shook it, but nothing serious.

Senator GOLDWATER. Did you at that time ask the sheriff—is it Mosch? Did you ask Sheriff Mosch for assistance?

Mr. JACOBS. Yes, sir. I called him right up to my car. He stood right outside my car and talked to me through the window.

Senator GOLDWATER. What did he tell you?

Mr. JACOBS. He said he would talk to them. He went back and talked to someone on the line, and told me he couldn't get me in without bloodshed.

Senator GOLDWATER. Did he say anything else to you?

Mr. JACOBS. No, sir; just that he could not get us in. I do not recall anything else he said.

Senator GOLDWATER. Did the sheriff seem cooperative to the people who wanted to get through the picket line?

Mr. JACOBS. Well, this is just my personal opinion. I would say "no."

Senator GOLDWATER. You have said that you recognized Mr. Jesse Ferazza. Could you describe any of the activities you saw him engaged in on the picket line?

Mr. JACOBS. Well, he was there, generally, up in front, and I saw him kick one man in the groin with his knee, and he kicked me in the leg. He was quite handy with his feet, I will say that. As far as swinging with his hands, I don't think I have ever seen him, although I imagine he might have, too. But he used his feet to very good advantage.

Senator GOLDWATER. Speaking of his fists, were they just his fists, or did he have knuckles with him?

Mr. JACOBS. Well, on one occasion, I don't know if that was on May 10, but they greeted us right across the road. They were not on the picket line, but they came across the road onto High Street and met us on the corner, and there were other fellows with them from Detroit and a few local boys. That day they had sort of pig-skin gloves on. I noticed some of them had a band sewed across the knuckles on the back.

Senator GOLDWATER. A band of what?

Mr. JACOBS. A leather band, added thickness on the knuckles of the glove. I don't say they were brass knuckles, but there was an added weight put over the knuckles of the glove. I don't say Mr. Ferazza had it, but there were gloves like that in the group. You understand there was excitement at that time, and we were trying to go to work. But they were all wearing gloves, and smoothing them back on their fists.

Senator GOLDWATER. Was there any metal on the gloves at all?

Mr. JACOBS. I could not say there was metal on the gloves, Senator; no.

Senator GOLDWATER. You mentioned that you saw other people that you did not know. Was it your impression that there were more than 15 people in this mass picketing from outside of the general area of Kohler Village in Sheboygan?

Mr. JACOBS. Yes, sir.

Senator GOLDWATER. Would you have any way of knowing or making an educated guess as to how many outside there might have been?

Mr. JACOBS. No; I don't think I would try to estimate, but I know that there were men from Sheboygan that I recognized that worked at other plants, that were not strikers; some from Baldras; some from the tannery, that were out there on the picket lines in the mountings,

that I recognized as not men that worked there that were on the picket line.

Senator GOLDWATER. Mrs. Tracey made a guess of around 100. Would you say that is a guess on short side or the long side?

Mr. JACOBS. Well, I would say she was close. I would estimate somewhere in that.

Senator GOLDWATER. Did you have a feeling, and I do not know if you are able to answer this other than just our own observations, but did you have a feeling this strike was being run by people other than those in the local union?

Mr. JACOBS. I would say, definitely, yes. I never had any trouble with the local officers. As Mr. Grasskamp said, at one time we were very good friends, and we have not had any words since then. But I think this was clearly engineered by someone outside of our local boys. I think, if it would have been left to our local officers, I think we wouldn't have had the strike.

Senator GOLDWATER. Pardon me?

Mr. JACOBS. I say I think, if it had been left to our local officers, I don't think we would have had the strike.

Senator GOLDWATER. You said you were bothered at night on the telephone. What time of the night was it that that usually occurred?

Mr. JACOBS. Well, it would start about 11 o'clock and run right straight through to 5 in the morning. Then they would pick me up in the car, and so they quit the telephone calls.

Senator GOLDWATER. You said you recognized the voice?

Mr. JACOBS. One voice; yes. He called me. That was a call during the day, though. He called me at 1 o'clock in the afternoon.

Senator GOLDWATER. Who was that?

Mr. JACOBS. Gordon Majerus.

Senator GOLDWATER. Was he a local man?

Mr. JACOBS. Yes. He was a steward, I think, over in the E. E. & P. He was a union steward.

Senator GOLDWATER. He worked in the Kohler plant?

Mr. JACOBS. Yes; he did.

Senator GOLDWATER. The first time that you tried to get into the plant, how many pickets would you say blocked your way?

Mr. JACOBS. Well, I would estimate around 1,500.

Senator GOLDWATER. About 1,500?

Mr. JACOBS. In front of the main gate; yes.

Senator GOLDWATER. How were these pickets directed?

Mr. JACOBS. Pardon?

Senator GOLDWATER. How were the pickets' activities directed?

Mr. JACOBS. Well, they were walking close together, and I would say 5, 6, or 7 deep, until you got there, and as you approached the entrance to the gate, they would converge and that depth would be greater. You would have maybe 20 or 30 people between you and the entrance to the plant. They would come out to meet us. They would not stay on the picket line. They would come out onto the boulevard to meet us.

Senator GOLDWATER. Did it appear to you to be a well-planned or well-directed strike, the picket effort?

Mr. JACOBS. I would say it was very well directed; yes. It accomplished its purpose. We couldn't get in.

Senator GOLDWATER. When they needed pickets at another gate, how were they told to go there?

Mr. JACOBS. I don't know what system they used, but I know if you tried it at certain times to get in, and there were a small number of pickets at that gate, it didn't take very long before they had reinforcements.

Senator GOLDWATER. Did they use sound trucks?

Mr. JACOBS. Yes. They had sound trucks. I imagine they used them.

Senator GOLDWATER. Did you ever notice any of the operators of the sound trucks, the ones with the microphones?

Mr. JACOBS. No, sir; not as individuals; no.

Senator GOLDWATER. The pickets who were standing in front of your car when you were trying to get in that time, when the station wagon or sound truck, whatever it was, blocked you, did you recognize any of those men?

Mr. JACOBS. Yes, I did. The man that was the closest to my car, that was right upon my bumper, at times with a foot on it, was a Mr. Fiore.

Senator GOLDWATER. Mr. Fiore?

Mr. JACOBS. Yes.

Senator GOLDWATER. Was he from the local?

Mr. JACOBS. I think he was from Detroit, Senator?

Senator GOLDWATER. Did you recognize Robert Burkart?

Mr. JACOBS. Yes. But he was not in the front of my car.

I will say that the only times I have seen him there, which was generally early in the morning, he would be up on the grass of the island to the right of the entranceway.

Senator GOLDWATER. Was he from the general area of the village of Kohler?

Mr. JACOBS. I don't think so. I never saw Mr. Burkart until the time of the strike.

Senator GOLDWATER. Do you know him to be from Detroit?

Mr. JACOBS. No, sir; I do not.

Senator GOLDWATER. Did you recognize Ed Kalupa?

Mr. JACOBS. Yes. Ed Kalupa was there, and the Nitsch boys, and I saw Mr. Grasskamp in the line, Konec. There was quite a few of them that I recognized that were in there in front of the automobile; yes.

Senator GOLDWATER. When you recognized that you couldn't get through the picket line, and you started to drive away, did they leave you alone at that time?

Mr. JACOBS. No, sir; they did not. We tried to drive out of town, and there is only 4 or 5 roads where you can get out of town onto the highways. You have 2 highways, 1 on each side of town, Highway 28 and 23. I think I tried all of the ways out, and every time I would get to the stop sign, and there is a stop sign on every intersection leading to the highway, 1 car would pull up behind me and 1 would pull diagonally in front of me so I could only make 1 turn, and that turn would be back to the village.

So I stayed in the village until I figured I had been there long enough, and then I drove up to the village police station and drove my car in there, and went upstairs. Sheriff Mosch was there and one of his deputies and the chief of police. I explained the situa-

tion, and at that time Sheriff Mosch said that if I would wait, he would see that I got out of town. His under sheriff, Larry Schmitz, escorted us out of town with his car. That is how I left the village.

Senator GOLDWATER. Were there any other times when attempts were made to give you trouble with an automobile?

For instance, did you ever have difficulty in leaving your residence?

Mr. JACOBS. Yes, sir; I did. I had that every morning I went to work.

Senator GOLDWATER. Would you explain it?

Mr. JACOBS. I will explain it. I lived on a dead end road, a private road. It was about a block and a half long, and at the end it was a dead end. To get to the highway, which is Highway 28, I had to pass an entrance to another factory, a woodworking factory, Beamers. At 5 o'clock in the morning, a car would drive up in that driveway and as soon as I would back my car out of my private driveway and get onto the private road to go to the highway, they would squeeze me by the road. If I tried to get by them, they would speed up and cut in front of me, and I had that to contend with a good many mornings.

Senator GOLDWATER. Did you ever recognize any of these people?

Mr. JACOBS. Yes, sir; I did.

Senator GOLDWATER. Would you name them?

Mr. JACOBS. The man that owned the car was a caster in the pottery where I worked, Nick Rocoverich.

Senator GOLDWATER. Nick Rocoverich?

Mr. JACOBS. Yes.

Senator GOLDWATER. Who else did you see?

Mr. JACOBS. In front of my house, I saw Mr. Rand drive by in a Pontiac, and Mr. Vinson, and the sound trucks drove by quite often.

As I said, it was not a through street, but a private street. They would come down and turn around in front of my house, and then turn around and go out again. I requested the sheriff one time, I called from my home one morning when I couldn't get out. He came to my home with another squad car, and they got me on the highway and I got to the village all right.

But there were other mornings that I tried to get out and I called and I didn't get any help at all.

Senator GOLDWATER. Getting back to the sheriff, did the sheriff give much assistance to those people that wanted to go through the picket line, as the chief of police?

Mr. JACOBS. Do you mean the chief of police of Kohler?

Senator GOLDWATER. Yes.

Mr. JACOBS. No, sir; nowhere near the help.

Senator GOLDWATER. Did you have the feeling that the sheriff might be dragging his heels a little bit on law enforcement?

Mr. JACOBS. This is my personal opinion. I would say he definitely was.

Senator GOLDWATER. You said that you were kicked by Jesse Ferazza?

Mr. JACOBS. Yes, sir.

Senator GOLDWATER. Did you ever see other people kicked or kneed?

Mr. JACOBS. Yes. He kicked another fellow next to me, a gentleman by the name of Tank that came down with me, and a man by

the name of Federwisch. Those are the only three where I could definitely say that I saw his body come in contact with them, although as I say, he was very handy with his feet.

Senator GOLDWATER. You would not in your experience call that peaceable picketing, would you?

Mr. JACOBS. No, sir; I would not.

Senator GOLDWATER. And this violence continued for how long?

Mr. JACOBS. For quite a while, as far as at the homes. Well, we didn't get peace for a long, long time.

Senator GOLDWATER. Do you have peace today?

Mr. JACOBS. Right now I am living in the village of Kohler, yes. I am comparatively peaceful. I will say that.

Senator GOLDWATER. Is there a new sheriff now?

Mr. JACOBS. Yes, there is.

Senator GOLDWATER. When did that sheriff come in?

Mr. JACOBS. Last year. In last year's election.

Senator GOLDWATER. And was that about the time you started to get some peace?

Mr. JACOBS. Well, now that you mentioned it, I would say "Yes"—

Senator GOLDWATER. Do you recall that Sheriff Mosch ran for reelection?

Mr. JACOBS. I don't think he did in this last election. I think he served his two terms, if I remember rightly.

Senator GOLDWATER. You cannot serve more than two terms?

Mr. JACOBS. I think that is right. I don't think he was up for election.

Senator GOLDWATER. Mr. Chairman, that is all I have.

Senator IVES. Mr. Chairman?

The CHAIRMAN. Senator Ives.

Senator IVES. I would like to put into the record a quotation from the Labor Management Relations Act of 1947, in other words, the Taft-Hartley Act, which applies to that matter of which I spoke earlier, and that is the conflict in the testimony between this witness, and Mrs. Tracey, and Mr. Grasskamp.

This morning I pointed out the fact that what Mr. Grasskamp said, about the picketing, as far as his description went, as far as I could see was no violation of the Taft-Hartley Act. But, Mr. Jacobs, the description given by you and Mrs. Tracey conflicts with that in one very important part.

You speak of coercion, and the Taft-Hartley Act is very clear on that subject when it comes to an unfair labor practice.

Before I read that section or that part of the Taft-Hartley Act which is applicable, I want to say also that the number of pickets, and whether they came from the striking members of the Kohler Co. or from outside, has nothing whatever to do with it. Stranger-picketing is still permitted under the Taft-Hartley Act. So that is not the question before us.

But the real question is this conflict of coercion and the matter of coercion.

Here is the Taft-Hartley Act applicable to that. It is section 7, a very short section. I will read this slowly so that the stenographer can get it accurately.

SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also—and this is the part that is particularly applicable in this section—and shall also have the right to refrain from any or all of such activities—to refrain from any or all such activities—

except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8 (a) (3).

That is section 7 in full.

Now, section 8 (b) reads as follows, and I read section 8 (b) (1) :

(b) It shall be an unfair labor practice for a labor organization or its agents—(1) to restrain or coerce—

and then following that, and I am merely interpolating that there is a large capital (A) with—

employees on the exercise of the right guaranteed in section 7.

That is where the word “coerce” gets in there.

You were attacked, were you not, personally?

MR. JACOBS. That is right.

Senator IVES. That would certainly have to be construed as coercion, if what you say is true.

I think what Mrs. Tracey says shows there was coercion where she was concerned. So certainly under the section of the Taft-Hartley Act that I have quoted, that certainly is an unfair labor practice. That is why I have brought that out.

Thank you, Mr. Chairman.

THE CHAIRMAN. Senator Ervin.

Senator ERVIN. As I understand you, you worked in the pottery department for most of the time from 1941 to date?

MR. JACOBS. That is right.

Senator ERVIN. And do you have silicosis, so far as you know?

MR. JACOBS. No, sir; I am quite sure I haven't.

Senator ERVIN. I realize it is rather difficult to describe it, but to what extent is silica dust from feldspar present in the air in the pottery department?

MR. JACOBS. Senator, percentagewise, I couldn't tell you, but we are provided with respirators, and they have made provisions that during the dusting time—you are only supposed to dust your molds with this silica dust at the close of your shift, and they even give you 15 minutes of time. They start dusting at a quarter to 4, and we work until 4. As soon as you are through dusting your molds, you are requested to get out of the area where this dust is in.

Senator ERVIN. Is the feldspar ground up?

MR. JACOBS. Yes, sir. It is a fine powder.

Senator ERVIN. And notwithstanding the fact you have been working in there for approximately 15 or 16 or 17 years, so far as you know, you have never experienced any discomfort from inhaling silica dust?

MR. JACOBS. No, sir; not a bit. And I have just had a thorough checkup a year ago at Madison, where I was not known, and my place of employment was not known.

Senator ERVIN. Does the company make any provision for examinations for anyone that works in that department that desires to be examined?

Mr. JACOBS. Yes, sir. They force you to have an X-ray twice a year. Senator ERVIN. Twice a year?

Mr. JACOBS. And with the hospitalization we have, we have the right to get an X-ray, by a private doctor any time. It is paid for.

Senator ERVIN. Do you know of any occasions when the employees in that department have been removed from that department to other work on account of having contracted silicosis?

Mr. JACOBS. Yes, I do. There are some that have been told that they have it, but because of the wages being at the level they are in the pottery, they stay on. It might be a good idea if they forced them to get out, but, after all, every man has a right to say what he wants to do with his own body, I imagine.

Senator ERVIN. In this mass picketing where you have pickets of the depth that you described, when you cannot gain entrance to the plant to work unless he resorts to violence, and then he is in danger by reason of the number, he is in pretty bad shape, is he not?

Mr. JACOBS. Yes, sir. We tried. We pushed. I do not think I saw anybody exactly fight, but I will admit that we used force. We would get together in a group and push and try to get in, and made no headway.

Senator ERVIN. Did you on any occasion see automobiles turned over?

Mr. JACOBS. No, sir; I did not. Personally, I did not see any turned over.

Senator ERVIN. Did you see anybody beaten up?

Mr. JACOBS. Yes, sir, I did.

Senator ERVIN. Who was beaten up, the pickets or somebody else?

Mr. JACOBS. This happened to be a Kohler worker that got beat up.

Senator ERVIN. Do you remember the time and place?

Mr. JACOBS. Frankly, he wasn't trying to get it. He was standing with us on the curb across the street, and one of the pickets came over and started discussing something rather personal with him about his family, and before we could get between them, he had slugged him, cut his eye open, and he had to have some stitches taken in his eye.

(At this point, Senator Goldwater withdrew from the hearing room.)

Senator ERVIN. Do you know whether that altercation came out of the strike or out of some other matter?

Mr. JACOBS. It came from out of the strike, I am quite sure. He had been involved in a few other fisticuffs. He would come down in the courthouse in these other hearings, in the hallway, and sort of lay for this kid, because he figured he was an easy mark.

Senator ERVIN. How frequently would you usually see the sheriff around the plant?

Mr. JACOBS. I would say I saw him an average of 2 or 3 mornings a week on the picket line, around the plant, and that would be about all.

Senator ERVIN. Did you see him make any arrests?

Mr. JACOBS. No, sir; I did not.

Senator ERVIN. I imagine the sheriff was a county sheriff; was he not?

Mr. JACOBS. Yes, sir; a county sheriff, of Sheboygan County.

Senator ERVIN. That is all.

Mr. KENNEDY. Did the chief of police make many arrests at Kohler?

Mr. JACOBS. He made arrests; yes. I saw him take men down to the village hall.

Mr. KENNEDY. Did he get many people in the plant?

Mr. JACOBS. Did he get many people in the plant? I don't think he got any.

Mr. KENNEDY. I thought he did better than the sheriff.

Mr. JACOBS. He tried. He would get in there bodily and try to open up the line with his deputies, try to open up a line for us. But to my knowledge, he didn't.

Mr. KENNEDY. How many deputies did he have?

Mr. JACOBS. I couldn't answer that.

Mr. KENNEDY. How many deputies did the sheriff have?

Mr. JACOBS. I don't know that, either, but you would see four or five deputies with the sheriff, and perhaps 4 or 5 with him.

Mr. KENNEDY. Maybe they didn't have enough men.

Mr. JACOBS. I don't know. I don't think anybody stopped them from getting more. We offered our services, and I think if he wanted to open it peacefully, he could have gotten the help, if he wanted it.

Mr. KENNEDY. I was wondering when you mentioned going to the hospital; you were in the hospital, were you?

Mr. JACOBS. Yes.

Mr. KENNEDY. Did they have sick leave at that time?

Mr. JACOBS. Did I have sick leave from the company? Yes.

Mr. KENNEDY. Were you paid while you were in the hospital?

Mr. JACOBS. No. Only the sick benefits, as in the law, if you belong to a group. I received that, and that is all.

Mr. KENNEDY. You weren't given anything further while in the hospital?

Mr. JACOBS. No, sir.

Mr. KENNEDY. You joined the UAW at one time?

Mr. JACOBS. Yes, I did. I joined shortly after February, when they signed their first contract. I agreed if they signed a contract without a strike, I would join the union.

Mr. KENNEDY. Did you have any complaints against the company at that time?

Mr. JACOBS. Me? No, sir.

Mr. KENNEDY. You never did?

Mr. JACOBS. No.

Mr. KENNEDY. But you thought a union would be a good idea?

Mr. JACOBS. I still think they are.

Mr. KENNEDY. Did you express any regrets to Mr. Grasskamp about the way the company was being operated?

Mr. JACOBS. I don't know. I don't recall any, no.

Mr. KENNEDY. You never expressed any complaints against the company?

Mr. JACOBS. Well, after all, no company that you work for is perfect. Every man has his natural little gripes. I might have, but I mean as far as any serious complaints; no, sir.

Mr. KENNEDY. You never did?

Mr. JACOBS. No, sir.

Mr. KENNEDY. And you don't remember any that you complained about to Mr. Grasskamp?

Mr. JACOBS. No.

Mr. KENNEDY. You say that the company was very good to you, or very good to the employees?

Mr. JACOBS. To my knowledge, yes. I would say that.

Mr. KENNEDY. And you say that you live in Kohler Village now?

Mr. JACOBS. I do now. I moved there?

Mr. KENNEDY. You didn't always live in Kohler Village?

Mr. JACOBS. No, sir. I lived in Sheboygan Falls.

Mr. KENNEDY. When did you move to Kohler Village?

Mr. JACOBS. The strike started in March and I moved there in May.

Mr. KENNEDY. You moved to Kohler Village in May from Sheboygan Falls?

Mr. JACOBS. Yes, sir.

Mr. KENNEDY. I suppose it is rather difficult to get into Kohler Village, is it?

Mr. JACOBS. I wouldn't say so. They have residences that people moved out of that they rent. I have been trying to get in there for a number of years. This time, the home that I bought, the man was retiring, and he wanted to retire to a place where he would have a garden and things. He was moving out of town, and the house was available and I applied for it.

Mr. KENNEDY. Did Mr. Kohler have to give his approval to that?

Mr. JACOBS. No, sir, not that I know of.

Mr. KENNEDY. Did the Kohler Co. have to give their approval?

Mr. JACOBS. I think it is called the Kohler Improvement Co. It is a building and loan.

Mr. KENNEDY. Did Mr. Kohler have to give his approval to that?

Mr. JACOBS. No, sir. I haven't seen his name on my papers.

Mr. KENNEDY. Do you know Walter J. Ireland?

Mr. JACOBS. Yes, sir.

Mr. KENNEDY. Who is he?

Mr. JACOBS. A personnel director at the Kohler Co.

Mr. KENNEDY. Did he have to give approval?

Mr. JACOBS. No; he didn't. But he was the man I contacted. Because, at the time, it was the time of the strike, I knew at one time he was instrumental in renting some of these homes. I think he is on the board at the building and loan, too.

Mr. KENNEDY. So, after the strike started, and you had been trying to get this house for a number of years, you went to the personnel director at the plant to see whether or not he could help you get the house?

Mr. JACOBS. That is right.

Mr. KENNEDY. And he was able to help you get the house?

Mr. JACOBS. I don't know if his efforts were successful. At least negotiations were started, so I had a chance to start for the house. I rented it at first; I did not buy it right away, Mr. Kennedy.

Mr. KENNEDY. There's a memorandum in the files of the Kohler Co. regarding your home, which states that—

Walter J. Ireland spoke to Mr. Herbert V. Kohler—

so, evidently he got involved in it—

concerning representing the premises at 510 Greentree Road to Harold N. Jacobs and received Mr. Kohler's written approval. Attached is a lease for a 7-month

period beginning June 1, 1954, for the rental sum of \$80 per month. The lease will expire on December 31, 1954, along with all other leases on our property, and will be renewed again at that time. The present occupants will vacate the premises approximately 1 week before June 1, and the premises will be ready for occupancy for Mr. Jacobs at that time.

Mr. and Mrs. Jacobs can look at the premises any night after 5 o'clock. Will you please have the lease executed by Mr. Harold N. Jacobs and return both copies to me so it can be signed by Mr. Herbert V. Kohler?

Mr. JACOBS. That is without my knowledge. Perhaps, if I would look, I would find his name. But I didn't know that Mr. Kohler had been consulted.

Mr. KENNEDY. Thank you.

The CHAIRMAN. Is there anything further?

If not, thank you very much, Mr. Jacobs.

Call the next witness.

Mr. KENNEDY. I call Mr. Dale Oostdyk.

(At this point the following members were present: Senators McClellan, Ives, and Ervin.)

The CHAIRMAN. Do you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. OOSTDYK. I do, sir.

TESTIMONY OF DALE OOSTDYK

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. OOSTDYK. Dale Oostdyk, 424 Parkway, Kohler, Wis. I am employed in the cast-iron division foundry at the Kohler Co.

The CHAIRMAN. In what division?

Mr. OOSTDYK. The cast-iron division.

The CHAIRMAN. You waive counsel, do you?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Mr. Oostdyk, you have been with the Kohler Co. for how long?

Mr. OOSTDYK. It will be 12 years this fall.

Mr. KENNEDY. You were in the service for 4 years, were you? You were in the Navy?

Mr. OOSTDYK. I was on active duty 4 years prior to being employed by the Kohler Co.

Mr. KENNEDY. You came back and went to work for the Kohler Co.; is that right?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. And when you got out of the Navy, you received a commission in the Army, in the National Guard?

Mr. OOSTDYK. When I got out of the Navy, from active duty, I signed up in the Naval Reserve and, approximately 2 years after I worked at the Kohler Co., I took an examination and received a commission in the Reserve, Army Reserve and the National Guard of the State of Wisconsin.

Mr. KENNEDY. What is your present position?

Mr. OOSTDYK. At that time, or this time?

Mr. KENNEDY. What were you at that time?

Mr. OOSTDYK. At that time I was second lieutenant and I was a platoon leader in a rifle company.

Mr. KENNEDY. You have worked your way up?

Mr. OOSTDYK. I am a staff officer now, and I am a captain. I hold the rank of captain.

Mr. KENNEDY. Now, did you ever join up with the UAW?

Mr. OOSTDYK. No, sir.

Mr. KENNEDY. You disapproved of the UAW, the way they were operating?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. You decided not to join; is that right?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. What was it that you disliked about the UAW?

Mr. OOSTDYK. Mainly, the tactics they were using to try to influence the members to sign up.

Mr. KENNEDY. You were approached by large numbers of people; is that it?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. They tried to prevail upon you that way, rather than to reason with you about joining up?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. You resented that?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. And you refused to join up; is that right?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. So that, when the picketing came, and the strike was called, you did not join the pickets?

Mr. OOSTDYK. No, sir.

Mr. KENNEDY. And, instead, you wanted to continue your job, and continue at work with the Kohler Co.?

Mr. OOSTDYK. That is correct.

Mr. KENNEDY. Would you tell the committee what steps you took to try to get in to work, and what happened to you on your second attempt?

Mr. OOSTDYK. On my second attempt, you mean?

Mr. KENNEDY. Tell us, first, your attempts to get to work. You went to work the night before, did you not?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Now, you received information that this picketing was going to start?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Whom did you receive that information from?

Mr. OOSTDYK. From my brother.

Mr. KENNEDY. Your brother was a picket?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. And he told you that the picket was going to take place?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. And, so, what did you do?

Mr. OOSTDYK. Well, I went to the plant late Sunday evening, because my brother had told me they were going to pull the plug and no one would get into the plant the next morning; so, I managed to get into the plant that Sunday evening. Normally, I did not start work until 6:30 in the morning, but I was told I would not be able to get in.

Mr. KENNEDY. So, you went Sunday evening and you worked the following Monday; is that right?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Then you had a meeting of the National Guard Monday night?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. You sneaked out their back field?

Mr. OOSTDYK. That is correct.

Mr. KENNEDY. Were you going to try to get in again the following day?

Mr. OOSTDYK. On Wednesday, sir.

Mr. KENNEDY. Did you join with some others in telling them you could get through the back field?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. How many others were with you?

Mr. OOSTDYK. Four others.

Mr. KENNEDY. Did you all try to sneak in the back field?

Mr. OOSTDYK. I tried to lead them in the way I went out.

Mr. KENNEDY. You were caught?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Will you tell what happened?

Mr. OOSTDYK. Well, while we were going through the field, it was dark, and somebody spotted some of the pickets lying in the field and they started to chase us and so we ran and we came to a snow fence, and we separated and I jumped over this snow fence.

It was quite muddy. This was in April of 1954, and it slowed me down, and I noticed some more pickets in front of me, and I turned and I almost ran right into them. One of them jumped on my back and about that time there were at least 3 or 4 more there and some of them kicked me in the back and on the side, and 2 of them picked me up by the arms. One picket was very small, and he hit me on my left temple while the other two were holding me, and at that time they swore at me and called me names and that I ought to be killed for trying to go to work.

Mr. KENNEDY. They were trying to keep everybody out of the plant, and they said that you should be killed for trying to get into the plant?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. What did they do to you then?

Mr. OOSTDYK. They dragged me back to what the union calls the soup kitchen, which was a good half mile from where I was caught on company property.

Mr. KENNEDY. What happened there?

Mr. OOSTDYK. Before I got there, they had sent a runner back to let them know that they caught a scab, and, before I got back to the soup kitchen, which was a good half mile from where I was caught we got out of the field. This was Mr. Frank Saborske from the union and some other union members waiting to escort me into the soup kitchen. At this point, I told them I had lost some money and I would like to go back, first, to look for it, but they refused to let me go back.

Mr. KENNEDY. Was anybody else captured at the same time?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Who was captured with you?

Mr. OOSTDYK. Herman Miesfeld.

Mr. KENNEDY. How long were you kept at the soup kitchen?

Mr. OOSTDYK. I would say 45 minutes.

Mr. KENNEDY. Did they threaten you at the soup kitchen?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. What did they say to you?

Mr. OOSTDYK. Well, I told them I wanted to get to the phone. I told them I was a deputy sheriff at that time, and they said they knew better than that because they had talked to Mosch, Sheriff Mosch, and he wouldn't send any of his deputies out there. I said, "He didn't send me out here, but I was trying"—

Mr. KENNEDY. You told them you were a deputy?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. So they would let you go?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. They did not believe that?

Mr. OOSTDYK. No, sir.

Mr. KENNEDY. You were not a deputy, in fact?

Mr. OOSTDYK. Yes; I was. I was a special deputy then.

Mr. KENNEDY. Did you show them your special-deputy card?

Mr. OOSTDYK. No, sir; I did not have it with me.

Mr. KENNEDY. But they did not believe it?

Mr. OOSTDYK. No, sir.

Mr. KENNEDY. What else did they say to you?

Mr. OOSTDYK. I tried to use the phone, and they told me to sit down. Every time I got up to use the phone, they grabbed me and threw me down on the chair. Right after they kept me seated on the chair, they put a card in front of me and told me to put my name and my clock number on the card and where I worked.

Mr. KENNEDY. What did you do?

Mr. OOSTDYK. I gave them my name and clock number.

Mr. KENNEDY. They tried to sign you up with the union?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Now, who was present during all of this? Did you recognize any of the people?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Who was present?

Mr. OOSTDYK. At the time I did not know them, but it was Donald Rand, who was the one who took me by the arm first.

Mr. KENNEDY. Who is Donald Rand?

Mr. OOSTDYK. He is a representative of the UAW-CIO.

Mr. KENNEDY. Was he doing some of this, and was he one of those who was yelling at you?

Mr. OOSTDYK. Yes; he was, and he was the one that took hold of my arm and slung me down to the chair. Later on, after I knew it was useless to try to get out, he said over the public-address system that scab hunting was good and they should get some more fellows to go, and go out and look for some more scabs.

Mr. KENNEDY. Who else, besides this man, was there?

Mr. OOSTDYK. Well, there were quite a few people there. The next person who talked to me was Jess Fazzarra.

Mr. KENNEDY. What did he do?

Mr. OOSTDYK. He was a union representative, too, and he came up, and he was very polite when he came up, and he took me over in the corner and he told the rest of them to leave me alone, and he wanted

to talk to me. He told me it was a good thing I was not in Detroit, because I would have been killed for trying to go to work during a strike. I told him that at that time I thought we had our rights to go to work. The law stated that if you did not belong to the union and if the doors were open for work, you could go to work. That is what I had planned on doing. Then Mr. Bower came in.

Mr. KENNEDY. That is Art Bower?

Mr. OOSTDYK. Yes, and Mr. Fazzarra also asked me if that so-and-so, Conger, had called me up to come to work.

Mr. KENNEDY. What did you tell him?

Mr. OOSTDYK. I said, "No, sir."

Mr. KENNEDY. Then Art Bower came, and what did he do to you?

Mr. OOSTDYK. Well, knowing him, personally, he took me on the side and he told me I was a damn fool for trying to come to work, and that I should know better, and he would take my picture and they would paste it up all over the country, showing the people that I was a scab, and trying to get back to work while the company was on strike. He said if I did get back into the plant, and they did settle the strike, he said somebody is sure to get you and they are going to drop a ram on your head.

Mr. KENNEDY. Somebody was going to get you, and they would drop something on your head?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Has anybody ever dropped anything on your head since then?

Mr. OOSTDYK. No; the strike hasn't been settled yet, sir.

Mr. KENNEDY. What happened, and who else was there?

Mr. OOSTDYK. Mr. Miesfeld was there when I entered the building.

Mr. KENNEDY. He was somebody else that was captured with you?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Two of you were captured?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Miesfeld was also captured?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Was anybody else there that you can think of that was present?

Mr. OOSTDYK. No, sir. When I got back there, Mr. Miesfeld was drinking coffee at a table?

Mr. KENNEDY. Miesfeld decided to sign up with the union?

Mr. OOSTDYK. Yes, sir; and he signed up, and they served him coffee, and doughnuts, and took him home.

Mr. KENNEDY. Was Mr. Burkhard there, Robert Burkhard?

Mr. OOSTDYK. Yes, sir; Mr. Miesfeld was in conference with Mr. Burkhard.

Mr. KENNEDY. And Mr. Cohagen?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. He was also present?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. And Majerus?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. He was present?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Did you see Mr. Gruskamp there?

Mr. OOSTDYK. No, sir.

Mr. KENNEDY. How were you treated after that? Did they mistreat you some more?

Mr. OOSTDYK. After that time, Mr. Bower told me he would take me home, so I would not get beat up any worse.

Mr. KENNEDY. So did he take you home?

Mr. OOSTDYK. Yes, Mr. Rand drove his car with one other gentleman in the front, and I sat in the back with Mr. Bower.

Mr. KENNEDY. They were nice to you then?

Mr. OOSTDYK. Well, I only talked to Mr. Bower until I got out of the car. I had told him that during 1952 I was called back on active duty, and I never bothered with union activities, and I wasn't for them or against them until I found out what they were after, or how they were persuading us to join the union.

I said, "If you leave me go back to work, I won't press any charges or anything?"

He said, "You just better get yourself out here tomorrow morning, and sign up and start picketing."

Mr. KENNEDY. Did you sign up?

Mr. OOSTDYK. No, sir.

Mr. KENNEDY. Did you ever go out and picket?

Mr. OOSTDYK. No, sir.

Mr. KENNEDY. What did you do?

Mr. OOSTDYK. I contacted the Kohler Co., and I told them I was caught, and I had a statement to make.

Mr. KENNEDY. Did you give them a statement?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Did they get another job for you?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Where did they get work for you then?

Mr. OOSTDYK. You are speaking of before the gates opened?

Mr. KENNEDY. Yes.

Mr. OOSTDYK. I worked down at the clay boat, and I was in charge of the guards on the clay pile down at the dock, Hildebrandt dock in Sheboygan.

Mr. KENNEDY. After you gave them a statement after what occurred when you were trying to get in the plant, they got you a job as a guard down at the clay boats?

Mr. OOSTDYK. Yes, sir; I told them I wanted work, and I said if I could not get work on the outside I was going to make another attempt myself to get back in the plant.

Mr. KENNEDY. Was Mr. Miesfeld mistreated, that you know of, when he was in the soup kitchen?

Mr. OOSTDYK. No, sir; he was drinking coffee when I was in there. All I know about Mr. Miesfeld was that one of the men that was with the group that caught him knew him very well, and told them to leave him alone because they knew he would go along. They never hit him, and he told me that if it wasn't for this particular person, he would have been beat up like I was.

Mr. KENNEDY. What did your brother think of all of this? Did you tell him about it?

Mr. OOSTDYK. Well, we are pretty good friends, and we never let it get between us.

Mr. KENNEDY. Did it cause a great deal of bitterness in Sheboygan?

Mr. OOSTDYK. No, sir. In fact sometimes when my brother was supposed to be on the picket line he came over to my house and watched television.

Mr. KENNEDY. But, generally, this situation did cause bitterness?

Mr. OOSTDYK. Not in our family at all; no, sir.

Mr. KENNEDY. Outside your family, just as a general condition?

Mr. OOSTDYK. Yes, sir; very much so.

Mr. KENNEDY. Between those who were picketing, and those who were going to work?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. And vice versa; is that right?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. So you are a very fortunate family that you continued to get along?

Mr. OOSTDYK. We have a Christian family, sir.

Mr. KENNEDY. Is there anything else regarding this situation that you think we should know?

Mr. OOSTDYK. Well, during the period of time I was in the courtroom, and before I testified, Mr. Rand called me on the side, and he wanted to know something.

He got me on the side and he told everybody to move over and he wanted to talk to me in confidence, and this time he stated that he wanted to know what the Kohler Co. was giving me for testifying for them.

I didn't know what he was driving at, and I said, "What do you mean?" And he said, "Well, are they giving you \$5,000 or \$10,000 for testifying for them," and he said, "if they are, don't forget, we will follow you wherever you go. You will be blackballed all over the country and you will never get a job in any shop."

At this point he told me that if the union was giving me this money for not testifying, it would be a different story. And about that time, I shoved him off, and I knew what he was after.

Mr. KENNEDY. Was anybody else present at the time of the conversation?

Mr. OOSTDYK. Not within listening distance.

Mr. KENNEDY. Did you report that to anyone there?

Mr. OOSTDYK. Yes, sir.

Mr. KENNEDY. Who did you report it to?

Mr. OOSTDYK. Mr. Conger.

Mr. KENNEDY. Mr. Conger, of the Kohler Co.?

Mr. OOSTDYK. Yes, sir.

Mr. Conger told me that he would take it down, but it was useless to testify to it because it would be my word against his. And I also told him I would take a lie test if he wanted me to.

Mr. KENNEDY. Did the Kohler Co. ever give you anything, any extra benefits?

Mr. OOSTDYK. No, sir.

Mr. KENNEDY. They treated you like everybody else and never gave you any money or gifts?

Mr. OOSTDYK. Well, I can tell you this: Being in the Reserve and going away every year for 2 weeks to a summer camp, and being called on active duty while I was at the Kohler Co., they have furnished my unit when I was National Guard commander with anything we wanted while we went to a summer field and training camp.

When I was called on active duty in 1952, the Kohler Co. paid for my hospitalization insurance all of the time I was gone, until I came back, and I reimbursed them for this insurance.

Mr. KENNEDY. This is even before the strike, is that right?

Mr. OOSTDYK. It was in 1952, sir.

Mr. KENNEDY. So they had treated you very well even before this?

Mr. OOSTDYK. Yes, sir, and I had my foot smashed at the Kohler Co. in 1950, and I had three compound fractures and my toes were burned. I was out approximately 2 weeks or so, and I could barely walk and they offered to give me a job sitting down until I could go back to my old job, to compensate me for the wages I lost.

Mr. KENNEDY. So you felt there were certainly no complaints against the Kohler Co., and in fact as far as your personal experience is concerned, they treated you very well.

Mr. OOSTDYK. That is right.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any questions?

Senator IVES. You were here, were you not, when I quoted from the Labor-Management Relations Act pertaining to coercion?

Mr. OOSTDYK. Yes, sir.

Senator IVES. It occurs to me in your instance, if you are telling the facts, and apparently you are, and the other side will be heard on this and they can refute it if they want to, but the question I would like to raise there is this:

I would like to know why you or either of the other two witnesses who appeared before you did not file a complaint with the National Labor Relations Board in connection with this alleged unfair labor practice. You have every right to. What happened that you did not do it?

Mr. OOSTDYK. I went all of the way to see a lawyer in Sheboygan and he took me up to see the district attorney, and the district attorney said he would try to help me. He wanted to know who the man was that hit me, because I was kidnapped and dragged back and he wanted to know who it was.

I said, "Well, I couldn't tell you the man that hit me but if you would question the party that caught Mr. Meisfield, he could tell you who the men were and I would identify this one."

Senator IVES. That is a matter of the State police power, as far as that is concerned, and law violations locally, but at the same time, there is a situation there involved which borders at least on the question of an unfair labor practice, and a matter of coercion.

Didn't anyone tell you to file a complaint with the National Labor Relations Board?

Mr. OOSTDYK. Mr. Hutkey told me that there would be several of us who could file a complaint.

Senator IVES. With the National Labor Relations Board?

Mr. OOSTDYK. No, sir, I believe it was with the Wisconsin Board.

Senator IVES. The State Labor Relations Board?

Mr. OOSTDYK. Yes, sir.

Senator IVES. They told you that?

Mr. OOSTDYK. Yes, sir.

Senator IVES. I was just curious to know why you did not go through with this course you could have taken, if what you say is true.

I am not questioning your word any more than I question the word of the president of the union. We do not know yet, exactly what the facts are here, but there clearly appears to be a violation of the Taft-Hartley Act.

It is too late to do anything now, and the statute of limitations has run out on you, and that is a 6-month proposition.

Mr. OOSTDYK. Yes, sir.

Senator IVES. But I think that you had a clear situation, if you had filed a complaint with the National Labor Relations Board.

Senator GOLDWATER. Mr. Oostdyk, do you know Emile Mazey when you see him?

Mr. OOSTDYK. I believe I would, sir.

Senator GOLDWATER. Have you seen him at the hearing today?

Mr. OOSTDYK. No, sir, I did not look around to see him.

Senator GOLDWATER. Could you look around and see if you see him?

Mr. OOSTDYK. Well, 4 years ago he was pointed out to me and I did not know him then and I could not tell you right now which one he was, and I can name most of the rest of them.

Senator GOLDWATER. Do you know if he was at the kitchen that night that you were brought in?

Mr. OOSTDYK. I believe Mr. Meisfield said he was, and I did not know him at that time.

Senator GOLDWATER. You did not know Mr. Mazey at that time?

Mr. OOSTDYK. No.

Senator GOLDWATER. What position does Mr. Ferrazza occupy in the union?

Mr. OOSTDYK. I don't know, sir.

Senator GOLDWATER. Did you report this to the sheriff?

Mr. OOSTDYK. Yes, sir.

Senator GOLDWATER. I probably was not here and the question was asked, and I apologize for asking you again, but what was the reaction of the sheriff?

Mr. OOSTDYK. On Monday, before I went out to the National Guard meeting, I called the chief of police of Kohler, and I told him I wanted to get out. I was in and I wanted to get out and I wanted to get back in after the meeting.

He told me that he was not able to open up the line to get anybody else in, and that I should call the county sheriff and ask him.

I called Mr. Mosch and Mr. Mosch said he would give us protection up to the picket line, but he would not attempt to open it to get us in the plant.

Senator GOLDWATER. Did you report this kidnapping to him?

Mr. OOSTDYK. No, sir, I did not have to report it. It was local news the next day.

Senator GOLDWATER. It was in the paper?

Mr. OOSTDYK. Yes, sir, it was in the paper, but everybody knew about it and the word spread rapidly.

Senator GOLDWATER. Did you have the feeling during the periods of violence that the sheriff was cooperating in the interest of law and order?

Mr. OOSTDYK. Did I have the feeling he was, you mean?

Senator GOLDWATER. Yes.

Mr. OOSTDYK. No, sir.

Senator GOLDWATER. Let me ask you one more question :

Have you received any threats relative to your appearing before this committee and testifying?

Mr. OOSTDYK. Since I have been called by the committee, you mean?

Senator GOLDWATER. Yes.

Mr. OOSTDYK. No, sir.

Senator GOLDWATER. Has there been any time in the last 2 or 3 months that you have been threatened if you come down here to testify?

Mr. OOSTDYK. No, sir, that is what I was referring to.

Senator GOLDWATER. That is all, I believe, Mr. Chairman.

Senator ERVIN. How many persons employed are actually working with the Kohler Co. now?

Mr. OOSTDYK. How many persons are working there?

Senator ERVIN. How many are there in the plant that you work in? About how many are employed there who are actually working in the plant now?

Mr. OOSTDYK. Well, I would say there is approximately between 2,500 and 3,000 people working there.

Senator ERVIN. How does that compare with the number working before the strike began?

Mr. OOSTDYK. Well, I would say we are maybe 300 or 400 or 500 less people working there now.

Senator ERVIN. How many pickets are there? Do they keep pickets on duty now?

Mr. OOSTDYK. Sometimes there are 1 or 2 or 3.

Senator ERVIN. How long did this mass picketing last?

Mr. OOSTDYK. Well, the mass picketing lasted until they were forced by the labor board to open up the gates. But even after that, there were several pickets out there for the next year and a half.

Senator ERVIN. Now, this treatment of the National Guard by the Kohler Co., was that before the strike began or after?

Mr. OOSTDYK. Yes, sir, he gave any service, whether it was the National Guard or Naval Reserve, anytime they wanted something, or anything the Kohler Co. had. They always were willing to give, and in fact, they donated money for mats for the paper for advertising for the Reserve.

Senator ERVIN. You would go on duty about 2 weeks a year with the National Guard?

Mr. OOSTDYK. Every year, sir.

Senator ERVIN. Two weeks each year?

Mr. OOSTDYK. Yes, sir.

Senator ERVIN. And the company would make gifts to the National Guard? It was in the form of something to supplement their mess above the regular rations and things like that?

Mr. OOSTDYK. I was not referring to the money. I was referring to letting them use auxiliary power units and different things like that. It was material things.

Senator ERVIN. You had the feeling the company encouraged the employees of the company to serve in the National Guard?

Mr. OOSTDYK. Yes, sir, they did, definitely. In fact, all of the men that were drafted, years back, always received their Christmas bonus, even when they were not working at the Kohler Co.

Senator ERVIN. That is all.

The CHAIRMAN. Was that a cash bonus?

Mr. OOSTDYK. Yes, sir.

The CHAIRMAN. Was it related to the amount of work they had performed that year?

Mr. OOSTDYK. I believe the first year after they were drafted, they received the full bonus.

The CHAIRMAN. The second year, what did they receive?

Mr. OOSTDYK. I don't know whether they received this Christmas bonus after that, but the first year their received the full amount, whether they worked there 6 months or 9 months, or 1 month.

The CHAIRMAN. Thank you very much. You may stand aside. We will adjourn until 10 in the morning.

(Whereupon, at 4:25 p. m., the hearing in the above-entitled matter was recessed to reconvene at 10 the next day.)



INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

THURSDAY, FEBRUARY 27, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the Caucus Room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Pat McNamara, Democrat, Michigan; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John J. McGovern, assistant counsel; Vernon J. Johnson, investigator; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members present at the convening of the session were: Senators McClellan and Ives.)

The CHAIRMAN. We will proceed.

Mr. KENNEDY. Mr. Herman Miesfeld, please.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MIESFELD. I do.

TESTIMONY OF HERMAN MIESFELD

The CHAIRMAN. State your name, and your place of residence and your business or occupation.

Mr. MIESFELD. Herman Miesfeld, 2226 Broadway, Sheboygan, Wis., employed at the Kohler Co.

The CHAIRMAN. Do you waive the right to counsel, Mr. Miesfeld?

Mr. MIESFELD. Yes, sir.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Miesfeld, you have been working in the Kohler Co. for how long?

Mr. MIESFELD. Eighteen years.

Mr. KENNEDY. You did not join the UAW?

Mr. MIESFELD. No, sir.

Mr. KENNEDY. You were against the UAW, were you?

Mr. MIESFELD. Yes, sir.

Mr. KENNEDY. Did you vote against affiliation or did you vote in that election?

Mr. MIESFELD. I voted against affiliation.

Mr. KENNEDY. So when the strike came along, in April of 1955, you did not join the pickets, is that right?

Mr. MIESFELD. That is right.

Mr. KENNEDY. You were anxious to get back to work?

Mr. MIESFELD. Yes, sir.

Mr. KENNEDY. And the mass picketing was taking place outside the plant gates so that you were unable to get in, is that right?

Mr. MIESFELD. Yes, sir.

Mr. KENNEDY. So did you take some steps to try to get to work anyway?

Mr. MIESFELD. I did.

Mr. KENNEDY. Would you relate to the committee what you did?

Mr. MIESFELD. I believe it was on a Wednesday, four fellows and myself tried to gain entrance to the plant in the evening. We drove around the plant and there was no way of getting in, so we went in through the rear. It was across the field on Kohler Co. property, where pickets had been out in the field patrolling where this incident occurred, Mr. Oostdyk and myself were caught.

At that particular time two fellows caught me and took me down to the soup kitchen. At that particular time, they asked me, I would either sign up in the union or get beat up, and so I signed up.

Mr. KENNEDY. Who said this to you?

Mr. MIESFELD. If I am not mistaken, it was——

Mr. KENNEDY. Do not be mistaken about it, because you are making a serious charge.

Mr. MIESFELD. I can't say for sure who that was.

Mr. KENNEDY. But somebody at the strike kitchen did say that to you?

Mr. MIESFELD. Yes, sir. There was a group around me and it is pretty hard to say just which one said it.

Mr. KENNEDY. But somebody did say, if you do not sign up, you will be beaten up, is that right?

Mr. MIESFELD. That is right.

Mr. KENNEDY. That was in the strike kitchen of the UAW?

Mr. MIESFELD. Yes, sir.

Mr. KENNEDY. Who was present? Were there any officials of the union present at the time?

Mr. MIESFELD. Yes, sir, there was. Mr. Rand was there.

Mr. KENNEDY. Mr. Donald Rand?

Mr. MIESFELD. Yes, sir, and Mr. Mazey.

Mr. KENNEDY. Mr. Emil Mazey, he was present?

Mr. MIESFELD. Yes, sir. I don't believe I can recognize any of the other fellows that were present at this time, outside of the local fellows from the plant.

Mr. KENNEDY. Who was it that brought you back to the strike kitchen? Do you know who it was that captured you?

Mr. MIESFELD. A fellow by the name of Marciano.

Mr. KENNEDY. Marciano?

Mr. MIESFELD. Yes, Serevedo Marciano. I knew him quite well, and I used to play baseball with him, and we did bowling together, and so he and I got along pretty good.

Mr. KENNEDY. Did you decide to sign up?

Mr. MIESFELD. Yes, I did.

Mr. KENNEDY. You signed up with the union?

Mr. MIESFELD. Yes, sir. After I signed up they treated me pretty nice and they gave me coffee and doughnuts, and Mr. Burkhardt took me home and he told me I should come back the next morning and start picketing with the boys.

The CHAIRMAN. Why did you sign up?

Mr. MIESFELD. Well, it was either sign up or get beaten up.

The CHAIRMAN. Did you want to join the union at that time?

Mr. MIESFELD. Yes, I signed a card.

The CHAIRMAN. I know you signed a card, and I asked you if you wanted to join the union at that time.

Mr. MIESFELD. No, sir.

The CHAIRMAN. You did not want to?

Mr. MIESFELD. No, sir.

The CHAIRMAN. But you took a choice of either signing under that threat, or getting beat up?

Mr. MIESFELD. That is right.

The CHAIRMAN. Did they have anything there present to indicate to you that they meant what they said about beating you up?

Mr. MIESFELD. I think so.

The CHAIRMAN. What was it?

Mr. MIESFELD. The number of men that they had around.

The CHAIRMAN. What else?

Mr. MIESFELD. Well, the determined looks on their faces.

The CHAIRMAN. What else?

Mr. MIESFELD. You can tell if a man says he is threatening you, or if he is just saying that as a joke.

The CHAIRMAN. Did you see your partner who had tried to get in the plant with you?

Mr. MIESFELD. Not at that particular time. He came in a little later.

The CHAIRMAN. He came in a little later?

Mr. MIESFELD. Yes, sir.

The CHAIRMAN. What was his condition?

Mr. MIESFELD. He already had been beaten up.

The CHAIRMAN. He had already been beaten up?

Mr. MIESFELD. That is right.

The CHAIRMAN. Had you signed up before he came in, or was it afterward?

Mr. MIESFELD. I don't remember.

The CHAIRMAN. You do not remember?

Mr. MIESFELD. No.

The CHAIRMAN. I imagine that pretty much confirmed your thinking as to what they would do to you, after you saw him?

Mr. MIESFELD. That is true.

The CHAIRMAN. You became pretty thoroughly convinced at that time?

Mr. MIESFELD. Yes.

The CHAIRMAN. Now, were officers of the union present in that kitchen that night?

Mr. MIESFELD. Yes, they were.

The CHAIRMAN. Who were the officers? What position did they hold?

Mr. MIESFELD. Well, I recognized Mr. Rand.

The CHAIRMAN. What is his position?

Mr. MIESFELD. I believe he is an international man.

The CHAIRMAN. An international representative?

Mr. MIESFELD. Yes.

The CHAIRMAN. Who else?

Mr. MIESFELD. Mr. Mazey.

The CHAIRMAN. What is his position?

Mr. MIESFELD. I believe he is secretary-treasurer of the UAW.

The CHAIRMAN. Now, I want to ask you, did they know that you were being threatened?

Mr. MIESFELD. I believe they did. I believe they did.

The CHAIRMAN. You do not think there is any doubt about it, do you?

Mr. MIESFELD. No, I don't.

The CHAIRMAN. You know they knew you were being threatened?

Mr. MIESFELD. Well, they were close enough, and they certainly heard what was going on.

The CHAIRMAN. Well, the whole thing was an atmosphere of coercion, wasn't it, bringing you in there, and you did not go up there voluntarily?

Mr. MIESFELD. No; I didn't.

The CHAIRMAN. You had been forced to go up there?

Mr. MIESFELD. That is right.

The CHAIRMAN. After you got there, you were going to get beat up if you did not sign a card?

Mr. MIESFELD. That is true.

The CHAIRMAN. They are bound to know what happened, aren't they?

Mr. MIESFELD. Yes.

The CHAIRMAN. Notwithstanding this issuing of orders and pamphlets and so forth that they did not believe in violence, they had officers there who were actually practicing it by threatening you and making you sign a card; isn't that the truth?

Mr. MIESFELD. That is true.

The CHAIRMAN. All right; proceed.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any questions?

All right; thank you, sir.

Mr. RAUH. We would like some questions submitted through the Chair to this witness, based on previous testimony. I have not had time to write them all out.

The CHAIRMAN. He can be recalled for it.

Mr. RAUH. It is very significant, Mr. Chairman. This witness has testified twice before, and there was not a word said about this very charge he has made here.

(Mr. Rauh submitted a document to the chairman.)

The CHAIRMAN. Did you testify before the NLRB at a hearing involving this strike?

Mr. MIESFELD. That is right.

The CHAIRMAN. How long ago?

Mr. MIESFELD. Possibly 2 or 3 years ago.

The CHAIRMAN. Some 2 or 3 years ago?

Mr. MIESFELD. Yes.

The CHAIRMAN. Were you asked, or did you testify at that time to, anything regarding the coercion that had been imposed on you?

Mr. MIESFELD. To my knowledge, I testified about the same as I did today.

The CHAIRMAN. You were asked about it; how you happened to sign up?

Mr. MIESFELD. That is right.

The CHAIRMAN. And you say, according to your recollection, you testified about the same as you did today?

Mr. MIESFELD. That is right.

The CHAIRMAN. You may not have been asked the same questions.

Mr. MIESFELD. That is true.

The CHAIRMAN. But, in effect, you testified the same?

Mr. MIESFELD. That is right.

The CHAIRMAN. Do you say there is any difference in the substance and meaning of your testimony that you gave then and what you have given here today?

Mr. MIESFELD. No.

The CHAIRMAN. All right. You may stand by.

Mr. KENNEDY. At that time, did you make any statement that there was no coercion?

Mr. MIESFELD. I don't believe I did.

Mr. KENNEDY. Were you asked about the coercion?

Mr. MIESFELD. No.

Mr. KENNEDY. You did not make a statement at that time that there was no force or coercion used against you, as far as signing up with the union?

Mr. MIESFELD. No, sir.

Mr. RAUH. Would you ask him about the testimony in front of the Wisconsin Employment Relations Board, please?

The CHAIRMAN. I did not recognize this "WERB." Did you testify before the Wisconsin board, the WERB? What does it mean?

Mr. RAUH. Wisconsin Employment Relations Board.

The CHAIRMAN. Did you also testify before that board in a hearing?

Mr. MIESFELD. Yes. I thought that was what you were referring to.

The CHAIRMAN. I referred to the National Labor Relations Board.

Mr. MIESFELD. That, I don't believe I testified at, and I can't remember.

The CHAIRMAN. You cannot remember testifying before the National Board, but you did testify before the Wisconsin board?

Mr. MIESFELD. That is right.

The CHAIRMAN. So that the testimony that you have given with respect to what happened before the board, and your testimony, you were referring to the Wisconsin board and not the National Board?

Mr. MIESFELD. That is right.

The CHAIRMAN. So your testimony still stands?

Mr. MIESFELD. That is correct.

The CHAIRMAN. With respect to that board?

Mr. MIESFELD. That is right.

Mr. KENNEDY. Did you tell either one of those boards that you were told if you did not sign up you would get beaten up?

Mr. MIESFELD. Yes, sir; I believe I did.

Mr. KENNEDY. Did you tell the Wisconsin board that?

Mr. MIESFELD. I believe I did.

Mr. KENNEDY. I have an affidavit that you made out, I guess for the company, before Edward J. Hammer, notary public, Sheboygan, on the 8th day of April, which must have been about that period of time, and you do not make any statement about that in there, about being threatened. You said you came in and they treated you very nicely.

Mr. MIESFELD. That is right, after I signed up.

Mr. KENNEDY. You do not make any statement in here about that. You said that Marciano was a friend of yours and vouched for you, and that you were O. K., and then that they brought you or helped you along because you had been hurt when you fell down.

Mr. MIESFELD. That is true.

Mr. KENNEDY. They brought you along, and everybody treated you very nicely?

Mr. MIESFELD. That is true. They did.

Mr. KENNEDY. Why didn't you put in that affidavit the fact that they had threatened you?

Mr. MIESFELD. Pardon me?

Mr. KENNEDY. Why didn't you put in the affidavit that they had threatened you?

Mr. MIESFELD. I don't believe it was brought up at the time.

The CHAIRMAN. Are you still a member of the union?

Mr. MIESFELD. I wouldn't know.

The CHAIRMAN. You have not paid any dues since that time?

Mr. MIESFELD. No, sir.

The CHAIRMAN. Have you attended any union meetings?

Mr. MIESFELD. No.

Mr. KENNEDY. This is what it states here, and it is somewhat different, and I can see the point that is being raised here. This is when you are in the strike kitchen:

Mr. Burkhart asked me what I was doing out there, and I told him that I did it for dare, and he asked me who else was in the group, and I told him the only one I knew was Oostdyk. And he asked for my company pass, and I said I didn't have it, and I showed him my driver's license.

Burkhart asked me if the company had put us up to this, and I told him no. He said that I had belonged to their union before and asked why I quit, and I told him I did not believe in unions any more. He then asked me to sign a card, and I did it to get out of there.

Mr. MIESFELD. That is right.

Mr. KENNEDY. I thought you said here that you did it because they threatened you?

Mr. MIESFELD. I didn't talk to Mr. Burkhart until after I had been threatened.

Mr. KENNEDY. It says here that you were talking to Burkhart, and then you signed up with the union to get out of there.

Mr. MIESFELD. Before I talked to Mr. Burkhart, I talked to this other group of fellows there.

The CHAIRMAN. Do you recognize what the Chair presents to you now? Do you recognize this as a photostatic copy of an affidavit that you signed on the 8th day of April 1954?

The clerk will please present this copy to the witness.

(A document was handed to the witness.)

The CHAIRMAN. Examine it and satisfy yourself whether that is the affidavit that you signed.

Mr. MIESFELD. Yes, sir.

The CHAIRMAN. That affidavit may be made exhibit No. 3 for reference only.

(Document referred to was marked Exhibit No. 3 for reference and may be found in the files of the select committee.)

The CHAIRMAN. Are there any further questions?

Senator GOLDWATER. I have some questions.

Mr. Miesfeld, was Emil Mazey in the group that questioned you that night, or talked to you?

Mr. MIESFELD. I didn't talk to Emil Mazey, but he was present.

Senator GOLDWATER. Did he question you at all?

Mr. MIESFELD. No, he didn't.

Senator GOLDWATER. He did not talk to you at all?

Mr. MIESFELD. No.

Senator GOLDWATER. But he was in the room?

Mr. MIESFELD. That is right.

Senator GOLDWATER. All right.

Mr. RAUH. Mr. Chairman, we ask that in addition to exhibit 3, the affidavit, that we be permitted to submit into the record at this point the testimony of Mr. Miesfeld before the National Labor Relations Board, to demonstrate he was not telling the truth when he said he did not testify there, and his testimony before the Wisconsin Employment Relations Board, to demonstrate he never, at any time, said that anybody at the soup kitchen had said, "Sign up or be beaten up." And we ask that this be seriously considered for perjury charges.

The CHAIRMAN. The Chair will have the staff examine the file. I think we have the record of his testimony before the National Labor Relations Board.

It will not be made a part of the record at this time, until the staff has examined it, and we may proceed.

Are there any further questions of the witness?

I will ask that my attention be called to this document after it has been examined.

Mr. KENNEDY. I guess we have copies of both testimony.

The CHAIRMAN. We will handle this matter whenever we can ascertain that we have a true copy of the transcript of his testimony.

Call the next witness.

You may stand aside for the present.

(At this point, the following members were present: Senators McClellan, Ives, and Goldwater.)

Mr. KENNEDY. Fred J. Daley, please.

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. DALEY. I do.

TESTIMONY OF FRED J. DALEY

The CHAIRMAN. State your name, your place of residence and your business or occupation.

Mr. DALEY. Fred J. Daley, 4215 Superior Avenue, Sheboygan. My business is an operator of vending machines at the Kohler Co.

The CHAIRMAN. Fred J. Daley?

Mr. DALEY. That is right.

The CHAIRMAN. All right, Mr. Daley. Do you waive the right of counsel?

Mr. DALEY. Yes, sir.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. You serviced and owned some of the vending machines in the Kohler plant during the time the strike was going on?

Mr. DALEY. Yes, sir.

Mr. KENNEDY. And during that first week of the strike, did you intend to go in and try to service those machines?

Mr. DALEY. Yes, sir.

Mr. KENNEDY. And take care of them?

Mr. DALEY. That is true.

Mr. KENNEDY. Did you find it impossible to get through the picket line?

Mr. DALEY. I approached the picket line and I was told by the picket captain that it would be necessary to obtain a pass.

Mr. KENNEDY. To obtain a pass to get into the company?

Mr. DALEY. Yes, sir.

Mr. KENNEDY. So what steps then did you take to obtain a pass?

Mr. DALEY. I was told by the picket captain that it would be necessary to go to the soup kitchen, and I went to the soup kitchen, and I met a Mr. Ray Majerus, an international representative.

The CHAIRMAN. Met who?

Mr. DALEY. Mr. Ray Majerus. And I explained my reason for being there, and he said that he thought I would have to go before a strike committee board meeting.

I asked him where that would be, and he said that they, at the time, were having a meeting at region 10 headquarters in Sheboygan. So he went to a telephone and called and made arrangements that I could attend that meeting that morning. So I therefore proceeded and went to the meeting.

Mr. KENNEDY. What happened there?

Mr. DALEY. I explained to the committee meeting my purpose of wanting to enter the plant.

Mr. KENNEDY. Who was present at that meeting? Did you know any of them?

Mr. DALEY. Yes. There was Mr. Grasskamp, the president; Mr. Kohlhausen, the recording secretary.

Mr. KENNEDY. And Arthur Bower?

Mr. DALEY. Yes, the vice president.

Mr. KENNEDY. He was another union official?

Mr. DALEY. Correct.

Mr. KENNEDY. And what did they say to you at that time?

Mr. DALEY. They asked me what my purpose was for wanting to enter the plant, and I explained to them that I wanted to service and maintain the equipment that I had in the plant. Then there came

a discussion as to what should be done about that. They requested that I be allowed to go into the plant and shut off the machines, but I couldn't agree with that procedure. Well, after a little haggling, they suggested that I leave and they would discuss it amongst themselves and let me know then what the agreement would be.

So Mr. Kohlhausen called me that afternoon and said if I would meet him on the picket line the next morning at 8 o'clock, he would present me with a pass, which he did.

Mr. KENNEDY. There was some opposition, was there not, to giving you a pass?

Mr. DALEY. Yes. There were certain members of the committee that objected to the idea of my going into the plant.

Mr. KENNEDY. And the only thing that you wanted to go into the plant for was to service the machines; is that right?

Mr. DALEY. Yes, sir; that is true.

Mr. KENNEDY. These are coin-operated machines?

Mr. DALEY. Yes. They are vending machines.

Mr. KENNEDY. Ultimately, did they give you a pass?

Mr. DALEY. The ultimate result was that they did give me a pass.

Mr. KENNEDY. That was just for a limited period of time; is that right?

Mr. DALEY. The first pass; yes. It was for about 4 days, and the pass read that it was for the purpose of shutting off or deactivating the machines.

Mr. KENNEDY. They let you through the picket line when you showed the pass?

Mr. DALEY. Yes, sir.

Mr. KENNEDY. And, before, you had not been able to get through the picket line, when you tried to get in before to service the machines?

Mr. DALEY. That is true.

Mr. KENNEDY. And when you got the pass, they let you through the picket line?

Mr. DALEY. Yes. There was no trouble.

Mr. KENNEDY. And you went in and serviced the machines. What about when you wanted to come into the plant again? Did you have to get another pass?

Mr. DALEY. Well, I received this pass on the 8th, and it terminated about the 11th or 12th. So, I called union headquarters the following Monday and explained to Mr. Kohlhausen that the pass that they had issued wasn't for the purpose that I had applied for one, and I asked him the reason why they had incorporated the deactivating or shutting off of the equipment. He said, "Well, the boys felt that that is what I ought to do."

I explained to him that it wasn't the purpose or wasn't the type of pass that I wanted, and he said, "Well, why don't you come back to a board meeting and explain your case to the committee?" So, the following day, I went up and we went through the process of determining the validity of my request. We will put it that way.

Mr. KENNEDY. So, what happened then?

Mr. DALEY. Well, as I said, there was sort of a hassle and haggling, and they finally asked me to leave the meeting, and that they would inform me as to whether I would get a pass or not. Mr. Kohlhausen

called me that afternoon and said there would be a pass in the mail for me, which I did receive the next morning. That pass did allow me to enter the plant for the purpose of servicing my vending machines.

Mr. KENNEDY. You were able to use that pass after that?

Mr. DALEY. Yes, sir.

Mr. KENNEDY. Did you go into the plant a number of times then?

Mr. DALEY. Yes, sir.

Mr. KENNEDY. And you showed the pass?

Mr. DALEY. True.

Mr. KENNEDY. And they always let you in; is that right?

Mr. DALEY. Yes, sir; that is true.

Mr. KENNEDY. Did you have any other difficulty beyond this?

Mr. DALEY. Not that I recall.

The CHAIRMAN. Why couldn't you get in the plant when you first went down there to look after your machines?

Mr. DALEY. Well, there were, possibly, about 200 pickets at the entrance, and the picket captain informed me that it would be necessary to get a pass. I took him at his word for it.

The CHAIRMAN. You made no effort to go in after he told you that?

Mr. DALEY. That is correct.

The CHAIRMAN. Would you say there was force used to keep you out of the plant, other than just telling you that you couldn't go in?

Mr. DALEY. No; there wasn't any force used. I took them at their word for it.

The CHAIRMAN. You didn't try in any way to force yourself into the plant?

Mr. DALEY. No.

The CHAIRMAN. You simply went down, and, when the captain of the picket line told you that you couldn't go in without a pass, it would be necessary for you to have a pass, you deferred to his procedure?

Mr. DALEY. I accepted his word for it.

The CHAIRMAN. You accepted his word for it?

Mr. DALEY. Yes.

The CHAIRMAN. Who was the captain?

Mr. DALEY. I don't know.

The CHAIRMAN. Did someone identify himself to you as the captain of the picket line?

Mr. DALEY. Yes. I recognized his face, but I don't know his name.

The CHAIRMAN. You recognized his face at that time?

Mr. DALEY. As an employee of the Kohler Co.; yes.

The CHAIRMAN. As one of the employees of the Kohler Co.?

Mr. DALEY. Yes.

The CHAIRMAN. Do you know now who it was?

Mr. DALEY. No, sir. I never bothered to find out.

Mr. KENNEDY. Mr. Chairman, the minutes of April 13, 1954, of local 833 executive-board meeting indicate that time was given to Mr. Fred Daley to permit him to present his reasons why a pass should be issued to him, or should be renewed, so that he could enter the plant and service his machines.

The CHAIRMAN. As I understand it, you were first given a pass that read it was for the purpose of your going in to close down your machines, to deactivate them.

Mr. DALEY. That is true. I didn't—

The CHAIRMAN. In other words, to protect your property.

Mr. DALEY. Yes, but I didn't agree with the deactivation of them.

The CHAIRMAN. So you went back?

Mr. DALEY. Correct.

The CHAIRMAN. And you had further negotiations with them about it?

Mr. DALEY. Discussions with them about it; yes.

The CHAIRMAN. And you were successful about that. They permitted you to be in and service your machines?

Mr. DALEY. That is correct.

The CHAIRMAN. So, they continued operating; is that right?

Mr. DALEY. Right.

The CHAIRMAN. They were never closed down?

Mr. DALEY. Never closed down.

Mr. KENNEDY. The reason, as I understand it, that you didn't try to go through the line was because of the instructions that you had gotten from the picket captain that you would not be allowed to go through; is that right?

Mr. DALEY. True.

Mr. KENNEDY. And this, you felt, was the only way you could get into the plant to service your machines, to get a pass; is that right?

Mr. DALEY. That is correct.

The CHAIRMAN. May I ask you, who did the concession come from, if you owned the machines? Did the concession come in from the company or from the union, to operate the machines?

Mr. DALEY. Well, at that particular time, it was under the direction of the company. Previously it had been under the direction of the KWA.

The CHAIRMAN. So your machines were there at the time by the authority of the company and not by any union or union authorization?

Mr. DALEY. That is correct.

The CHAIRMAN. Are there any further questions?

Counsel, when you have questions, prepare them and submit them in writing.

Mr. RAUH. Thank you, Mr. Chairman.

(The document was handed to the chairman.)

The CHAIRMAN. Did you testify at the Wisconsin Employment Relations Board hearing involving this strike?

Mr. DALEY. Yes, sir.

The CHAIRMAN. Do you recall your testimony there?

Mr. DALEY. Not unless it was presented before me.

The CHAIRMAN. Do you recall that you may have testified that you wanted a pass to stay on good terms with the union members?

Mr. DALEY. I didn't state that. Mr. Raskin asked me if that was one of the reasons why I applied for a pass.

The CHAIRMAN. Well, was it?

Mr. DALEY. I agreed with him.

The CHAIRMAN. You agreed with him?

Mr. DALEY. Yes.

The CHAIRMAN. Well, that was one of the reasons.

Mr. DALEY. That was one of the reasons, yes.

The CHAIRMAN. You didn't want to get the union members mad at you?

Mr. DALEY. Correct.

The CHAIRMAN. You wanted, so far as you could, to cooperate with them?

Mr. DALEY. That is true.

The CHAIRMAN. In other words, you didn't want a controversy with them, except you wanted to continue to operate your machines?

Mr. DALEY. Correct.

The CHAIRMAN. You didn't want to offend them?

Mr. DALEY. That wasn't necessary. There were no customers.

The CHAIRMAN. That is what I say. You didn't want to offend the union?

Mr. DALEY. I didn't want to offend the union; no. I had no quarrel with them.

The CHAIRMAN. Neither did you want to offend the company, I suppose.

Mr. DALEY. No.

The CHAIRMAN. You wanted to get along with everybody.

Mr. DALEY. Right.

The CHAIRMAN. Correct. All right.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. The fact remains, however, that you couldn't get into that plant to service your own equipment without permission from the union?

Mr. DALEY. That is correct. That was my opinion of it.

Senator GOLDWATER. If you had tried to get through that line, you probably would not have gotten through, is that correct?

Mr. DALEY. I probably wouldn't have.

Senator GOLDWATER. So all you were trying to do, as a private American citizen—and you are not a member of the union?

Mr. DALEY. No, sir.

Senator GOLDWATER. As a private American citizen, operating a business within a plant, was to try to get to your equipment to service it, and you were denied that unless you got a pass from the union, is that correct?

Mr. DALEY. That is correct.

(At this point, Senator Mundt entered the hearing room.)

Senator GOLDWATER. That is all.

The CHAIRMAN. Are there any other questions?

All right, thank you. You may stand aside.

Mr. KENNEDY. Mr. Guenther Voss.

(At this point, the following members were present: Senators McClellan, Ives, Goldwater, and Mundt.)

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Voss. I do.

TESTIMONY OF GUENTHER VOSS

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. Voss. My name is Guenther Voss. I live at 525 Wilson Avenue, Sheboygan Falls, Wis. I work at the Kohler Co. in the foundry.

Mr. KENNEDY. Your name is Guenther Voss?

Mr. VOSS. That is right.

Mr. KENNEDY. You live at 525 Wilson Avenue, Sheboygan Falls, Wis.?

Mr. VOSS. Yes, sir.

Mr. KENNEDY. And you work at the Kohler Co.?

Mr. VOSS. That is right.

Mr. KENNEDY. And you have worked at the Kohler Co. for how long?

Mr. VOSS. I worked for the Kohler Co. for 9½ years.

Mr. KENNEDY. You were not a member of the UAW?

Mr. VOSS. I was a member for 1 month.

Mr. KENNEDY. But after that you did not support the UAW, is that correct?

Mr. VOSS. That is correct.

Mr. KENNEDY. And when they went on strike and began picketing, you did not support the picketing?

Mr. VOSS. No, I did not.

Mr. KENNEDY. And you did not become a picket yourself, is that right?

Mr. VOSS. No.

Mr. KENNEDY. In fact, you wanted to get into work and resume your job?

Mr. VOSS. That is right.

Mr. KENNEDY. And the mass picketing was keeping you out of the plant?

Mr. VOSS. That is correct.

Mr. KENNEDY. When did you finally return to work yourself? After the mass picketing ended?

Mr. VOSS. No. I returned on, I believe it was, the 8th of April 1954. I went with a group of four fellows and we couldn't get through the——

Mr. KENNEDY. You were one of those who went in the back way and you got through?

Mr. VOSS. That is correct.

Mr. KENNEDY. Mr. Meisfeld and Mr. Oostdyk were caught, and you got through?

Mr. VOSS. That is correct.

Mr. KENNEDY. So you were very anxious to get to work?

Mr. VOSS. That is right.

Mr. KENNEDY. On January 17, 1955, you were driving to work with some of your fellow employees?

Mr. VOSS. That is right.

Mr. KENNEDY. This was after the mass picketing had ended, but there was still some picketing going on?

Mr. VOSS. That is right.

Mr. KENNEDY. Around 6 o'clock you were driving on Kohler Memorial Drive?

Mr. VOSS. Yes.

Mr. KENNEDY. Could you tell the committee what happened?

Mr. VOSS. Well, I was just about to turn off the Memorial Drive—there is a stretch of a couple of hundred feet up to the gate—and there were nine pickets standing there. That included Mr. Grasskamp. I remember him telling yesterday that he was never in van-

dalism, but he evidently knew who threw the rock. He was not more than 10 feet away from my car.

Mr. KENNEDY. What happened?

Mr. VOSS. Well, they threw a rock or some kind of a hard object, they threw against my rear car door and smashed the window.

Mr. KENNEDY. They smashed a window?

Mr. VOSS. Yes.

Mr. KENNEDY. Do you know who threw the rock?

Mr. VOSS. No, I do not. I was sitting on the opposite side of the car.

Mr. KENNEDY. Did anybody in your automobile see who threw the rock?

Mr. VOSS. Well, they couldn't identify him, but one of the passengers saw somebody getting up behind the bunch and threw it and got back down again.

Mr. KENNEDY. Who was the passenger who identified him?

Mr. VOSS. That was But Roehl.

Mr. KENNEDY. Arthur Roehl?

Mr. VOSS. Yes.

Mr. KENNEDY. And he saw somebody throw a rock?

Mr. VOSS. Yes.

Mr. KENNEDY. Did you see the person who threw the rock, yourself?

Mr. VOSS. No, I did not.

Mr. KENNEDY. But you presume that the rock was thrown from the group that Grasskamp was in, is that right?

Mr. VOSS. Yes.

Mr. KENNEDY. But you don't know that for sure, do you?

Mr. VOSS. If Grasskamp was there?

Mr. KENNEDY. Yes.

Mr. VOSS. I know he was there.

Mr. KENNEDY. Your passenger, Mr. Roehl, he appeared before the National Labor Relations Board hearing. Are you aware of that?

Mr. VOSS. I don't know.

Mr. KENNEDY. And he was asked some questions regarding this event. He was asked a question: "All right, were there some strikers or persons standing at the side of the road," and he said "Yes."

Did you see anyone of those in a throwing motion?

WITNESS. No, I didn't see anyone in a throwing motion. I only saw one in a crouched position.

Question. Did you recognize any strikers within 15 feet of the car along Memorial Drive?

WITNESS. As we made the turn into Industrial Road, I recognized one man.

Question. Who was that man?

WITNESS. Edward Kalupa.

Question. From his position, could he have possibly thrown the rock?

WITNESS. No, sir.

Question. Was there any other person whom you recognized among the pickets at or near Memorial Drive at that time?

WITNESS. None.

Question. Did you know Allen Grasskamp at that time?

WITNESS. Yes, I did.

Question. Did you see him at that time?

WITNESS. No, I didn't.

Question. Did you see him at any point along Memorial Highway?

WITNESS. Not that particular day, no.

Question. Can you tell me whether or not his name was mentioned inside the car after the rock had struck?

WITNESS. I don't recall. I don't believe so.

Question. Did anyone in the car say that Grasskamp threw the rock?

WITNESS. Not that I can recall.

Question. Well, did you see it?

WITNESS. No, I did not.

Question. Did you tell Mr. Voss that you saw Grasskamp throw the rock?

WITNESS. No, I did not.

So he evidently did not see Mr. Grasskamp in this group or near the individual who he saw throw the rock.

Mr. Voss. Well, I was the only one—I stopped the car right there—on the Industrial Drive when I made that turn, and I got out, and I was looking for a policeman; I looked back over the car and I saw Mr. Grasskamp was the first one standing on the corner.

Mr. KENNEDY. But evidently the passenger in your car is the one who saw someone throw the rock?

Mr. Voss. Somebody mentioned that in the car.

Mr. KENNEDY. He stated this under oath. He also states, in fairness to Mr. Grasskamp, I think we should develop this, he also states that he did not see Mr. Grasskamp in the group from where the rock came or near the person who threw the rock.

Senator GOLDWATER. Mr. Chairman, this witness is under oath, isn't he?

The CHAIRMAN. I believe I swore him.

Senator GOLDWATER. I believe this witness stated that he also saw Allen Grasskamp in the group. I can't figure out just what the counsel is trying to drive to. It is highly possible that other people in the car didn't see Mr. Grasskamp. But this particular man said that he did, as I understand it.

The CHAIRMAN. The Chair has been occupied here reading the former testimony of a witness. I am not sure just what has occurred. I apologize, but I have been occupied with something else. What was the question?

Mr. KENNEDY. This witness testified regarding a rock-throwing incident. He had a passenger in his car.

This witness, as he was driving—please correct me if I am wrong—as he was driving down, a rock was thrown at his car. He did not see who threw the rock. He felt from the way the rock struck the car that it must have come from a group, of which Allen Grasskamp was a member. He had a passenger in the car who saw the person throw the rock, or in a motion of throwing the rock. The passenger testified before the National Labor Relations Board that Allen Grasskamp was not in the group and was not with this man who threw the rock. I just felt that the passenger was not here testifying before the committee, but that his testimony regarding the incident should be known to the committee in fairness to all, and the members of the committee can determine for themselves what the facts are.

The CHAIRMAN. Let the Chair get it understood.

You were one of the nonstrikers?

Mr. Voss. That is correct.

The CHAIRMAN. And you were driving the car at what time and where?

Mr. Voss. At 6 o'clock I went to work on Memorial Drive.

The CHAIRMAN. On what?

Mr. VOSS. On Memorial Drive.

The CHAIRMAN. Six o'clock in the morning?

Mr. VOSS. That is correct.

The CHAIRMAN. What happened?

Mr. VOSS. Well, just when I was about to turn off of Memorial Drive there were 9 of them standing there, I believe it was about 9 of them——

The CHAIRMAN. How many?

Mr. VOSS. Nine of them.

The CHAIRMAN. Nine people standing there?

Mr. VOSS. Yes. And I was turning into the road up to the gate into the parking lot, and this incident happened, when somebody threw a hard object. I don't know what it was, but——

The CHAIRMAN. Where did the rock hit your car?

Mr. VOSS. The right rear door window.

The CHAIRMAN. Which side of the car?

Mr. VOSS. Right. The right rear door window.

The CHAIRMAN. Right rear door window?

Mr. VOSS. That is correct.

The CHAIRMAN. Did it break the window?

Mr. VOSS. Yes.

The CHAIRMAN. Who threw the rock?

Mr. VOSS. That I don't know.

The CHAIRMAN. Did it come from that group of 8 or 9 people, or 9 people, that you saw earlier standing there?

Mr. VOSS. Well, I must believe that it did come from that group.

The CHAIRMAN. You what?

Mr. VOSS. I believe it came from that group.

The CHAIRMAN. You believe it came from that group?

Mr. VOSS. Yes.

The CHAIRMAN. Did you see the rock before it struck, while it was in flight?

Mr. VOSS. No. The windows were steamed up.

The CHAIRMAN. The windows were what?

Mr. VOSS. They were steamed up.

The CHAIRMAN. They were steamed up?

Mr. VOSS. Yes. The side windows were steamed up.

The CHAIRMAN. So you didn't see the rock. All you know is that it hit and crashed the glass in the rear of your car?

Mr. VOSS. I did not see the rock, no.

The CHAIRMAN. Did the rock go into the car?

Mr. VOSS. No. But all the glass flew over there.

The CHAIRMAN. You never did see the rock?

Mr. VOSS. No, I did not.

The CHAIRMAN. You don't know that it could have been a rock?

Mr. VOSS. No.

The CHAIRMAN. It could have been something else?

Mr. VOSS. It was a hard object.

The CHAIRMAN. But something hit and broke the glass?

Mr. VOSS. Yes.

The CHAIRMAN. Is this a picture of your car and the broken glass? (Photograph handed to the witness.)

Mr. VOSS. Yes.

The CHAIRMAN. That picture may be made exhibit 4, for reference.

(The document referred to was marked Exhibit No. 4 for reference and may be found in the files of the Select Committee.)

The CHAIRMAN. Who threw the rock or whatever it was that hit your car?

Mr. VOSS. That I don't know.

The CHAIRMAN. You don't know anyone that threw that missile, or whatever it was, that hit your car?

Mr. VOSS. No.

The CHAIRMAN. Did you know anyone in that group of men?

Mr. VOSS. Yes.

The CHAIRMAN. Who?

Mr. VOSS. Mr. Grasskamp was there.

The CHAIRMAN. Who?

Mr. VOSS. Grasskamp.

The CHAIRMAN. Allan Grasskamp?

Mr. VOSS. That is correct.

The CHAIRMAN. Did you know anyone else?

Mr. VOSS. No; I did not.

The CHAIRMAN. Did you see any motion from him or any at all on his part that indicated he may have thrown it?

Mr. VOSS. No, I did not.

The CHAIRMAN. You didn't?

Mr. VOSS. No.

The CHAIRMAN. Who was in the car with you?

Mr. VOSS. There was Roehl——

The CHAIRMAN. Who?

Mr. VOSS. Arthur Roehl and a fellow by the name of Willard Lemeheiu, and Jerome Billmans, and a fellow by the name of Tempes.

The CHAIRMAN. There were some sitting in the back seat?

Mr. VOSS. Two in the back seat and three in the front.

The CHAIRMAN. Five of you in the car?

Mr. VOSS. That is correct.

The CHAIRMAN. As I understand, you six were nonstrikers?

Mr. VOSS. That is right.

The CHAIRMAN. You were trying to go to work?

Mr. VOSS. That is right.

The CHAIRMAN. Was Allan Grasskamp one of the strikers?

Mr. VOSS. He was president of local 833.

The CHAIRMAN. He was president of that local?

Mr. VOSS. That is right.

The CHAIRMAN. And was he on strike with the others?

Mr. VOSS. Pardon?

The CHAIRMAN. Was he one of the strikers? Was he one of them that walked out?

Mr. VOSS. That is right.

The CHAIRMAN. So you don't know whether he threw it or not?

Mr. VOSS. No, I do not.

The CHAIRMAN. But you know he was in the crowd?

Mr. VOSS. Yes.

The CHAIRMAN. Did you ever try to find out who threw it?

Mr. VOSS. Well, I stopped at the next corner and told the police about it. They went down there, and after I got home from work

I called the police station and tried to talk to the chief but he wasn't in. I believe they never did find out who threw it.

The CHAIRMAN. Did you ever talk to Grasskamp about it yourself and ask him if he knew anything about it?

Mr. Voss. No, I did not.

The CHAIRMAN. Why?

Mr. Voss. Well, I don't think we could have a very friendly conversation.

The CHAIRMAN. You don't think what?

Mr. Voss. I don't think we could have a very friendly conversation.

The CHAIRMAN. You don't think you could have a very friendly conversation.

Mr. Voss. That is correct.

The CHAIRMAN. But are you confident, and you state under oath, that someone in that group of 8 or 9 men threw something that hit your car?

Mr. Voss. I believe so.

The CHAIRMAN. What is the issue now?

Senator GOLDWATER. There was no issue, Mr. Chairman, except that this man is testifying under oath that he saw Allan Grasskamp in that group, and the counsel is reading the testimony of another man in the car that said that particular person didn't see it. I think from what I gather we are trying here to doubt the veracity of this witness.

The CHAIRMAN. Is Allan Grasskamp here as a witness?

Senator GOLDWATER. I suggest that if we want to follow this matter, we follow the particular person the counsel has reference to and ask him these questions. It is highly possible that he didn't see Mr. Grasskamp. But this man says he did see Mr. Grasskamp.

The CHAIRMAN. Is Mr. Grasskamp here?

Mr. KENNEDY. Mr. Chairman, this witness made an affidavit at the time which said that deponent's passenger, Arthur Roehl, was seated in the rear of the car on the right-hand side. Deponent was told by said passenger that he saw a picket standing in the group with Allan Grasskamp stoop down and pick up something, and a few seconds later he saw a rock hurtling at the car. The picket wore a bright-red hunting cap and solid-green jacket. The witness, Arthur Roehl, about whom this witness had testified, testified under oath before the National Labor Relations Board regarding this whole incident, and regarding the fact that he saw the picket in a motion as if throwing the rock. He said Allan Grasskamp was not in the group. I am not saying who is right or who is wrong. I think in fairness to Allan Grasskamp, the other witness, and everybody concerned, that that information should be put into the record.

If you have an objection to putting that information into the record, Senator, that is one thing. But I think out of fairness, these are people who knew about the witness.

Senator MUNDT. Does your witness or the man who makes the affidavit—

Mr. KENNEDY. This is the man who made the affidavit.

Senator MUNDT. You were quoting from somebody, I thought, who was not here.

Mr. KENNEDY. This man made an affidavit right after the incident occurred. That affidavit was contradicted by the man before the National Labor Relations Board.

Senator MUNDT. I am talking about whomever you are reading from, about the NLRB. Did the man before the NLRB say Mr. Grasskamp was not in the group or does he say he did not see him in the group. I think there is a vast difference between those two statements.

Mr. KENNEDY. He did not see him.

Senator MUNDT. Conceivably, he could be in the group but not be seen, but if he looked the group over and knew them all and said he was not in the group, then I think that would be pertinent testimony.

Mr. KENNEDY. I read his exact testimony.

Senator MUNDT. I did not hear it. Read it again so we can find out whether he said he was not in the group or whether he didn't see him in the group.

Mr. KENNEDY. Do you want to have the whole thing?

Senator MUNDT. Just that part of it.

Mr. KENNEDY (reading) :

QUESTION. All right, were there some strikers or persons standing at the side of the road?

WITNESS. Yes.

QUESTION. Did you see anyone of those in a throwing motion?

WITNESS. No; I didn't see anyone in a throwing motion. I only saw one in a crouched position.

QUESTION. Did you recognize any strikers within 15 feet of the car along Memorial Drive?

WITNESS. As we made the turn into Industrial Road, I recognized one man.

QUESTION. Who was this man?

WITNESS. Edward Kapula.

QUESTION. From his position, could he have possibly thrown the rock?

WITNESS. No, sir.

QUESTION. Was there any other person you recognized among the pickets at or near Memorial Drive at that time?

WITNESS. None.

QUESTION. Did you know Allen Grasskamp at the time?

WITNESS. Yes; I did.

QUESTION. Did you see him at that time?

WITNESS. No; I didn't.

QUESTION. Did you see him at any point along Memorial Drive?

WITNESS. Not that particular day; no.

Senator MUNDT. He did not say Mr. Grasskamp was not there; he only said he did not see him.

Mr. KENNEDY. That is correct.

Senator IVES. Mr. Chairman, I think there is something very mystifying to me. This is January 17 at 6 o'clock in the morning.

Mr. Voss. Yes, sir.

Senator IVES. It is completely dark at that hour. Did you have street lights there so that you could see all of this going on and recognize these people?

Mr. Voss. Well, it wasn't that dark.

Senator IVES. You just testified that your windows were all steamed up, and here it is, it is January 17, 6 o'clock in the morning, and it is surely dark. It doesn't get light until about 7.

Mr. Voss. I did not see Mr. Grasskamp through the window.

Senator IVES. How could anybody in your case see Mr. Grasskamp or anybody else?

Mr. Voss. I went out of the car, right after the stone was thrown at my car, or whatever it was. I stopped the car and I got out and looked for a policeman.

Senator IVES. Was there a street lamp there?

Mr. Voss. No, it was not.

Senator IVES. It was pitch dark?

Mr. Voss. I wouldn't say it was pitch dark.

Senator IVES. It is pitch dark at 6 o'clock, if your terms are right here, it is pitch dark at 6 a. m., on January 17. I can tell you that myself.

Mr. Voss. They had some pretty bright lights up on the main gate, they have there.

Senator IVES. That is what I was trying to find out, if there were some lights there. I still don't see how you knew one could see a stone being thrown, or anything else, so that you would recognize it, through a window that is supposed to be all steamed up at 6 o'clock in the morning, on January 17. It doesn't make any sense to me.

The CHAIRMAN. This witness testified he did not see it.

Senator IVES. He said somebody saw it.

Mr. Voss. Someone in the car mentioned they saw it.

The CHAIRMAN. Did you see anyone you recognized after you got out of the car?

Mr. Voss. I recognized Allan Grasskamp.

The CHAIRMAN. What you could not see when in the car you could see better after you got out of the car?

Mr. Voss. That is right.

The CHAIRMAN. After you got out of the car you saw Allan Grasskamp, and where was he?

Mr. Voss. Standing right on the edge of the group.

The CHAIRMAN. At the end of the group?

Mr. Voss. Yes.

The CHAIRMAN. In other words, he was a part of the group that you had just passed?

Mr. Voss. Yes.

The CHAIRMAN. And you recognized him after you got out?

Mr. Voss. Yes.

The CHAIRMAN. And you knew he was there?

Mr. Voss. Yes, sir; I knew it.

Senator GOLDWATER. Mr. Voss, let us get this down to something solid. You did not get out and punch that hole in your own window, did you?

Mr. Voss. No; I guess not.

Senator GOLDWATER. Something knocked the hole in the window, and in fact from the picture it destroyed pretty much the whole of the pane; isn't that correct?

Mr. Voss. Yes.

Senator GOLDWATER. You got out of the car and you saw Mr. Grasskamp standing there?

Mr. Voss. Yes.

Senator GOLDWATER. Was this the first time that rocks had been thrown at your car?

Mr. Voss. That was the only incident with my car.

Senator GOLDWATER. Did you have gravel or stones thrown at your car in August of 1954?

Mr. VOSS. Yes, there was gravel, kicked up. There was gravel kicked onto my car or thrown, and I don't know.

Senator GOLDWATER. But it did not do any damage?

Mr. VOSS. Well, it scratched a little paint off.

Senator GOLDWATER. Do you recall of any other instances of rocks being thrown at cars during this strike?

Mr. VOSS. I did not see any.

Senator GOLDWATER. Did you hear of any?

Mr. VOSS. I cannot recall whether I did.

Senator GOLDWATER. The fact of this questioning is that, one, an object struck your right rear window and knocked a hole in it, and two, that you saw Mr. Grasskamp as a member of this group?

Mr. VOSS. That is true.

The CHAIRMAN. Is there anything further?

May I ask you if any of the others got out of the car when you did?

Mr. VOSS. No, they did not.

The CHAIRMAN. They remained in the car?

Mr. VOSS. That is right.

The CHAIRMAN. Then you drove off?

Mr. VOSS. That is, I drove up to the gate and talked to the policeman.

The CHAIRMAN. All right, you may stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Chairman, the company has a movie, and some pictures that they would like to show on this mass picketing.

The CHAIRMAN. While they are arranging for that——

Mr. KENNEDY. And we have another witness.

The CHAIRMAN. While they are arranging for that, Mr. Miesfeld, will you come around again, please sir?

TESTIMONY OF HERMAN MIESFELD—Resumed

The CHAIRMAN. I present to you what purports to be or it was represented to me as being a copy of your testimony before the Wisconsin Employees Relation Board and I ask you to examine it and I think you have examined it. Hasn't a member of the staff presented this to you?

Mr. MIESFELD. Yes, sir.

The CHAIRMAN. I ask you to examine it again and state if you identify it as being a copy of the transcript of your testimony before that board.

(A document was handed to the witness.)

Mr. MIESFELD. Yes, it is.

The CHAIRMAN. It may be made exhibit No. 5 for reference only.

(Document referred to was marked Exhibit No. 5, for reference and may be found in the files of the select committee.)

The CHAIRMAN. Have you examined it sufficiently to tell whether there is any conflict in the testimony that you gave before the Wisconsin Board and that that you gave here this morning?

Mr. MIESFELD. Yes, sir; I did.

The CHAIRMAN. Where is the conflict?

Mr. MIESFELD. In the bottom, in the part about coercion.

The CHAIRMAN. In the part about coercion?

Mr. MIESFELD. That is right.

The CHAIRMAN. I call your attention to some of the things you testified to at that time.

Among other things, this is after you had gotten to the kitchen now and you were talking to Mr. Burkart:

Who did you talk with after you got into the strike kitchen?

Answer. Well, I talked to Mr. Burkart, and the other fellows, I did not know by name.

Question. Was the conversation friendly with Mr. Burkart?

Answer. Yes.

Question. Did you have any talk with anyone else at the time?

Answer. I talked with quite a few fellows that worked with me out there.

Question. Was there anything unfriendly or hostile?

Answer. No, I can't say.

Question. In any of the conversations?

Answer. No; they weren't unfriendly or anything to me.

Then I read further down in this transcript the following:

Question. Was that conversation friendly—

referring to a conversation with Mr. Burkart.

Answer. Yes.

Question. Did you, at the time you were at the strike kitchen, discuss the matter of the union and joining the union, Herman?

Answer. Well, Marciano and I were talking about it, and on the way down to the strike kitchen, and when I got down there they asked me if I wanted to sign up and I said sure I would sign.

Question. Was there any force or coercion used on you to sign up?

Answer. No, sir; not me.

Question. Do you consider yourself a member now of the local?

Answer. Yes.

What part of that testimony which you gave before that board, to which I have referred, is true and what part is untrue?

Mr. MIESFELD. It is all true.

The CHAIRMAN. It is all true. Your testimony here this morning is quite in conflict.

Mr. MIESFELD. The testimony here this morning—or the testimony at that particular time did not bring out the questions that were brought out this morning.

The CHAIRMAN. In other words, they did not ask you the questions, you think, to bring out that?

Mr. MIESFELD. That is right.

The CHAIRMAN. Are you saying now, this morning, that they were friendly?

Mr. MIESFELD. Well, let us put it this way: If it had not been for Marciano, I would have taken quite a beating out there.

The CHAIRMAN. You still maintain that is the truth about it?

Mr. MIESFELD. That is the truth.

The CHAIRMAN. Why didn't you tell them there that it was not altogether friendly and that they did threaten you, instead of saying they did not coerce you?

Mr. MIESFELD. The man who questioned me last time did not ask me what transpired out there. He was referring to what happened in the strike kitchen at that particular time.

The CHAIRMAN. Where were you threatened? Was it in the strike kitchen or outside of the kitchen?

Mr. MIESFELD. This all happened when I first got caught, outside of the strike kitchen.

The CHAIRMAN. When you first got caught?

Mr. MIESFELD. That is right.

The CHAIRMAN. Who made the threat then? Who caught you, and who made the threat?

Mr. MIESFELD. Those fellows I did not recognize. I recognized only one man, and it was Marcianno, and he was the fellow who convinced the other fellows to leave me alone, and he said I was hurt and he is going to take me down to the strike kitchen, and on the way down there they talked to me about signing up.

The CHAIRMAN. You are saying now, as I understand you, that it was the folks who caught you, after you had fallen and hurt yourself?

Mr. MIESFELD. That is right.

The CHAIRMAN. They threatened you?

Mr. MIESFELD. That is right.

The CHAIRMAN. And it was this friend that intervened and said he would take you down to the strike kitchen?

Mr. MIESFELD. That is right.

The CHAIRMAN. So, it was not at the kitchen where the threats were made; is that what you are testifying to now?

Mr. MIESFELD. Well, I mean at that particular time there were so many people around there. You have some that are friendly, and some that are hollering at you, and what would you call it, friendly or not friendly?

The CHAIRMAN. I was not there, and I could not call it. I would have to ask you.

Mr. MIESFELD. The particular fellows that I talked to, when I talked to Mr. Rand, he was very friendly, and he never threatened me. I talked to a couple of other fellows there, and they were all right, but yet there were some in the background who were very unfriendly.

The CHAIRMAN. You can well see, now, that your testimony apparently is conflicting, and I can appreciate sometime you are not asked everything, and you don't think to give all or relate all of the facts as you know them. I am trying to be absolutely fair to you. I want to find out what the truth is, but, on the face of it, there is a conflict between the testimony that you gave here earlier this morning and the testimony that you gave before that board. What is your statement about it?

Mr. MIESFELD. Well, I made a statement before, if it had not been for this Marcianno, I would have taken a beating out there.

The CHAIRMAN. You would have taken a beating?

Mr. MIESFELD. That is right.

The CHAIRMAN. And, had it not been for that threat, you would have signed up in the union?

Mr. MIESFELD. No.

The CHAIRMAN. You felt that you had to sign up, and you still state that.

Mr. MIESFELD. I still maintain that if I had not signed up I would have gotten beat up.

The CHAIRMAN. You maintain you would have been beaten up if you had not signed up?

Mr. MIESFELD. That is right.

The CHAIRMAN. Are there any further questions?

Senator GOLDWATER. Did you go to the kitchen under your own free will?

Mr. MIESFELD. Well, I was assisted.

Senator GOLDWATER. Were you, in effect, kidnaped and taken down there?

Mr. MIESFELD. What is kidnaping?

Senator GOLDWATER. Going against your will, and taking you by force to do something that you don't want to do, or going some place you don't want to go to.

Mr. MIESFELD. I did not have any choice in the matter.

Senator GOLDWATER. I think that is the essence of this. Mr. Chairman, I think he has stated what happened, and he has stated it in a clear way. Here is a man who has been taken by force to a meeting place. He did not go of his own free will, and he did not receive an engraved invitation, and he did not call up somebody and say, "Boys, I am going to be down there in a little while; I want to sign up." Someone met him out in the back yard and threatened him and escorted him down to the kitchen.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. I can understand you went to the strike kitchen against your will, and they took you to the strike kitchen; is that right?

Mr. MIESFELD. That is right.

Mr. KENNEDY. And they stopped you from going into the plant?

Mr. MIESFELD. That is right.

Mr. KENNEDY. Now, those are two things that, certainly, we should take notice of. Then we get into the next field, the third thing; were they unfriendly to you?

Mr. MIESFELD. Like I say, there are some friendly and some unfriendly.

Mr. KENNEDY. You were asked before the National Labor Relations Board, were they unfriendly to you, and you said "No," they were not unfriendly to you.

Mr. MIESFELD. They should have asked me if there were some that were not friendly.

Mr. KENNEDY. They asked, was there anything unfriendly or hostile, or anything, and you said "No." They asked you about any of the conversations, and you said "No, they were not unfriendly or anything to me."

There was not any qualification that some of them were friendly. They asked you a question and you said "No, they were not unfriendly." Here you said that the fact was they coerced you and threatened you. It is entirely contradictory.

Mr. MIESFELD. Well—

Mr. KENNEDY. You say that you had to sign up or get beaten up, when was that said to you?

Mr. MIESFELD. That was mentioned a number of times, that was mentioned in the background when I was talking to the fellows in the soup kitchen, and also it happened—

Mr. KENNEDY. What do you mean about "in the background"?

Mr. MIESFELD. There are 15 or 20 fellows around you and they can't all be in the foreground. Someone has to be in the background.

Mr. KENNEDY. Wouldn't you consider that unfriendly?

Mr. MIESFELD. Pardon me.

Mr. KENNEDY. Would you consider that unfriendly?

Mr. MIESFELD. Being in the background, no, but the remarks they made, yes.

Mr. KENNEDY. Would you consider that that was an unfriendly remark?

Mr. MIESFELD. What?

Mr. KENNEDY. The fact that you were going to get beaten up?

Mr. MIESFELD. Well, I don't believe it is very friendly.

Mr. KENNEDY. I think you would have stated that at the time. You were talking to the chairman here about the fact that you were badly treated again at the time that you were picked up in the field. Again, I hold no brief for the fact that they stopped you from going in the plant or they took you against your will to the soup kitchen, but I am just pointing out that at the Board you also said that they were very friendly to you there, that you had fallen down in the snow, and they ran in and assisted you?

Mr. MIESFELD. Yes, they even gave me coffee and doughnuts after I signed up.

The CHAIRMAN. All right, is there anything further?

This testimony has been made an exhibit and I think the record is as complete as we can get it. All right, you may stand aside, and are you ready for the pictures?

Mr. RAUH. Mr. Chairman, the union requests the right to inspect the motion pictures before they are shown on several grounds, if the chairman please.

(The company used at the NLRB hearing a cropped photo.)

The CHAIRMAN. Just a moment. I am going to conduct the hearings just as fairly as I know how, but I want you to understand now, we are not going to let either the union or company run this proceeding.

Mr. RAUH. I am not asking to run it. I am asking to be heard for 1 minute on this request; that is, that we be allowed to inspect the movie before it is shown, because there is prima facie evidence, and I think if I could examine the man who took these movies, that these movies are a cropped part of a number of reels.

This is, I believe, about 1 reel out of 12. It could not possibly tell the whole story, and they should put on all of the movies or none, but they shouldn't be allowed to put on part.

Now, at the National Labor Relations Board hearing the examiner found that these movies were unreliable and untrustworthy, and to use them without letting us see which ones they are and produce a witness to the fact that these are cropped photos, seems to us unfair.

We are not objecting to your using them, and we are asking for a right of inspection, which is always granted, Mr. Chairman, then possibly later today, or tomorrow, you can put them on; but we can have our testimony as to how they were prepared and the unfairness of the fact that they do not tell an accurate story of what went on.

The CHAIRMAN. The Chair does not believe that this committee can, nor that it is required to do it, tell everyone that may be involved in a hearing what testimony is going to be presented and to let them inspect it before it is presented and pass judgment on it.

I have never seen the pictures and I doubt if any member of the committee has seen them. So we are going to inspect them together, and any testimony that refutes them, the committee will hear it.

If anybody is trying to doctor pictures and present them here, we will go to as much extent as is proper to expose them.

Senator GOLDWATER. I might say that splicing or cutting or editing film is nothing new to the art. These men at the end of the table take thousands of feet of film a day, and probably 300 to 400 feet are used in the evening.

Hundreds of thousands of feet of film are taken in the preparation of a normal movie, and it is edited down to a few thousand feet. This is a standard procedure, and I might remind Mr. Rauh that it is used daily or as often as films are prepared by his own union, and it is not an unusual practice, and you try to get the story that is to be told.

The CHAIRMAN. I can appreciate that is true, and we all know that is true; but at the same time, if a film has been made, and only certain parts of it that support one position are shown and the rest is not, it would be difficult for the committee to get the full clear picture of what happened.

However, I am going to have the picture shown, and testimony will be received that may contradict them or may show, if there is such testimony, that the pictures do not represent the true facts.

All right, proceed with the pictures.

Mr. KENNEDY. This film is being presented by the company, and do you want the company witness to come on?

The CHAIRMAN. I do not know. Is this a picture that the company took, or that we have procured from them?

Mr. KENNEDY. This is a picture that the company is presenting to the committee for their viewing, and they would like to have it shown, and Mr. McGovern spoke to me about the company wanting to have the film shown this morning.

The CHAIRMAN. Where is the representative of the company who knows about the film?

Mr. CONGER. Right here, Mr. Chairman. Are you asking for the representative who will show the picture? I am the attorney for the company.

The CHAIRMAN. I want somebody who can testify to this picture, and I want sworn testimony before the committee.

Mr. CONGER. We have a witness here, I think.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. O'NEIL. I do.

TESTIMONY OF LAWRENCE O'NEIL, ACCOMPANIED BY HIS COUNSEL, LYMAN C. CONGER

The CHAIRMAN. State your name, and your place of residence, and your business or occupation?

Mr. O'NEIL. My name is Lawrence O'Neil, and I live at 437 Autoban Road, Kohler, Wis., and I work for the Kohler Co.

The CHAIRMAN. How long have you worked for them?

Mr. O'NEIL. Almost 5 years.

The CHAIRMAN. In what capacity?

Mr. O'NEIL. As an advertising copywriter, and as personal secretary to Herbert Kohler, president.

The CHAIRMAN. You have counsel present to represent you?

Mr. O'NEIL. Yes, sir; I do.

The CHAIRMAN. Identify yourself for the record, Mr. Counsel.

Mr. CONGER. I am Lyman C. Conger, I live at Kohler, Wis., and I am also counsel for the Kohler Co.

The CHAIRMAN. All right.

Now, do you have some moving pictures, Mr. O'Neil?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. How did you come in possession of the pictures?

Mr. O'NEIL. I was in charge of photography during the strike.

The CHAIRMAN. You were working for the company?

Mr. O'NEIL. I was working for the Kohler Co.

The CHAIRMAN. In charge of photography work that was being done during the strike?

Mr. O'NEIL. And also other work, too.

The CHAIRMAN. We might get to that later, but, particularly, you were in charge of the photography work?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. These pictures that you have presented here, or the company has presented that they want shown, were these pictures made or taken under your supervision?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. Then you can testify or vouch for the fact that they were taken as a part of the strike activities?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. And that they so reflect?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. Now there has been some question here, and you may be cross-examined as to what has happened to these films and so forth, and so I am going to ask you 2 or 3 preliminary questions,

Have these films, since they were made, been in your possession?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. They have been retained by you from the time they were made?

Mr. O'NEIL. Except for the processing to produce this film.

The CHAIRMAN. That was done, and you received them right afterward, after they were processed?

Mr. O'NEIL. They weren't out of my control.

The CHAIRMAN. They were never out of your control?

Mr. O'NEIL. That is right.

The CHAIRMAN. Then you can vouch for their accuracy?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. All right. Now, may I ask you this general question: Have these pictures been doctored by cutting them or editing them so as to remove any evidence that may be presented that might be unfavorable to the company?

Mr. O'NEIL. No, sir.

The CHAIRMAN. You are stating positively they have not?

Mr. O'NEIL. They have been edited, but I wouldn't say they have been doctored, sir.

The CHAIRMAN. All right, edited out. Have you edited out that part that appeared to be unfavorable to the company?

Mr. O'NEIL. Not in my opinion, sir.

The CHAIRMAN. Where is that which is edited out?

Mr. O'NEIL. Where is it?

The CHAIRMAN. Yes.

Mr. O'NEIL. In my office at Kohler.

The CHAIRMAN. We may proceed with these. If necessary, that can be made available, that part that has been edited out, is that right?

Mr. O'NEIL. By getting it here from Kohler, Wis.?

The CHAIRMAN. Well, you have it and it can be made available to the committee?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. And you have all of it?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. So there could be no question on cross-examination as to what part was edited out or not, because you have the pictures to show?

Mr. O'NEIL. That is correct.

Senator MUNDT. I have one other question because some young man stood up and made objection, and I did not get his identification because I was not here yesterday.

The CHAIRMAN. That is Mr. Rauh, attorney for the union.

Senator MUNDT. The implication of his statement, it seemed to me, was that something might have been added which would be detrimental to the union.

I want to ask you under oath, this question: You have answered to the chairman that nothing has been deleted which has been injurious to the company, but has anything been added, which is detrimental to the union?

Mr. O'NEIL. No, sir.

Senator MUNDT. Nothing has been added which did not actually transpire during the strike, and among the pickets?

Mr. O'NEIL. That is right, sir.

Mr. KENNEDY. Could I ask you, how long does this movie take, approximately?

Mr. O'NEIL. Approximately 40 minutes.

Mr. KENNEDY. How many minutes of film did you take from which this is an excerpt?

Mr. O'NEIL. This represents about approximately 900 feet, and I believe I started with 1,300 feet.

Mr. KENNEDY. This is 900 out of 1,300 feet.

Mr. O'NEIL. That is right. There were 400 feet which were edited out.

Mr. KENNEDY. 1,300 feet were taken, altogether, of the mass picketing? Isn't this the film of the mass picketing?

Mr. O'NEIL. Yes, sir.

Mr. KENNEDY. And there were 1,300 feet taken of the mass picketing?

Mr. O'NEIL. Yes, sir.

Mr. KENNEDY. That was all that was taken by the company of the mass picketing?

Mr. O'NEIL. Will you repeat that?

Mr. KENNEDY. Were there only 1,300 feet of film taken of the mass picketing by the company?

Mr. O'NEIL. Yes. I'll answer that, "Yes."

Mr. KENNEDY. What do you mean? What were you going to say?

Mr. O'NEIL. I was going to say there was other film taken but not from this location. There were pictures taken of trade movements,

and there are other movies that were taken, but of this particular mass picketing area between April 1 and approximately May 25, this represents the film that was taken at that time.

Mr. KENNEDY. That was about 1,300 feet taken?

Mr. O'NEIL. Yes, sir.

Mr. KENNEDY. By that particular camera, or wherever it was?

Mr. O'NEIL. Yes, sir.

Mr. KENNEDY. This is 900 out of 1,300?

Mr. O'NEIL. Approximately 900.

(At this point, the following members were present: Senators McClellan, Ervin, McNamara, Goldwater, and Mundt.)

Senator GOLDWATER. I would like to clear up one point.

Mr. O'Neil, was this film shown at the NLRB hearing?

Mr. O'NEIL. No, sir; this film has never been shown.

Senator GOLDWATER. It has never been shown before?

Mr. O'NEIL. No.

Senator GOLDWATER. So this is the film to which the attorney for the union objected?

Mr. O'NEIL. That is right.

Mr. KENNEDY. Does this also include an incident of the clay boat?

Mr. O'NEIL. Yes. This includes about 30 foot of film on the clay boat, and also film footage taken of vandalism that occurred, paint bombings, and dynamitings.

Mr. KENNEDY. That is 30 feet out of how much?

Mr. O'NEIL. The clay boat is approximately 30 feet out of about 900.

Mr. KENNEDY. But how much was taken of the clay-boat incident?

Mr. O'NEIL. About 50 feet.

Mr. KENNEDY. So, that is 30 feet out of 50 feet of that. Then how much was taken of the vandalism?

Mr. O'NEIL. I would have to estimate about 200 feet, sir, but I am not sure.

Mr. KENNEDY. How many feet are in this of the vandalism?

Mr. O'NEIL. This is all we took of the vandalism. The movies of this vandalism, depicting this vandalism, are taken from still photographs of our files. They were not taken at the scene of the vandalism at the time it occurred.

The CHAIRMAN. Are you prepared to show the film, Mr. Witness? Do you have an operator of the machine, projector, or whatever it is?

Mr. O'NEIL. I understand, sir, the committee has furnished the technician.

The CHAIRMAN. I wanted to get the record straight. The gentleman who is operating the machine is working for the committee?

Mr. KENNEDY. He is assisting.

The CHAIRMAN. We will call him an independent operator, then. He doesn't represent the company or the union. He represents the committee. Is that right?

Mr. KENNEDY. That is right.

Senator GOLDWATER. Mr. Chairman, to clear up one point. The counsel has stated that this is a company exhibit. I have heard of this being referred to as a company exhibit before. I think it should be made a part of the committee records. I would ask that it be made an exhibit in the record.

Mr. KENNEDY. I didn't mean that. I meant that it was being offered by the company, is all.

Senator GOLDWATER. I believe, Bob, in all due respect, you left the inference that you didn't particularly want this particular piece of testimony, but that the company offered it.

The CHAIRMAN. Just a minute. Let's make it a McClellan exhibit. Proceed.

Senator McNAMARA. Mr. Chairman, I would like to ask a question. Is the photographer who took these pictures here? Has he been identified?

Mr. O'NEIL. I am not the photographer who took them. I was in charge of the photographers who did take them.

Senator McNAMARA. The photographer is not available?

Mr. O'NEIL. No, sir; he is not here.

Senator McNAMARA. Can we have his name?

Mr. O'NEIL. The name is in a title preceding each date.

Senator McNAMARA. Then he will be identified?

Mr. O'NEIL. He will be identified by name.

Senator McNAMARA. All right.

Mr. O'NEIL. Mr. Chairman, do I have your permission to explain these? They are silent.

The CHAIRMAN. They are silent pictures?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. Well, I don't know how that is going to work, if it can be done. Any time you want to stop to make an explanation, you are under oath.

Mr. O'NEIL. I would be doing it as the film was running, sir.

The CHAIRMAN. All right. You do the talking. We will have it a talking movie; go right ahead, sir. Proceed. But you are under oath. You are testifying.

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. Proceed. The film we are about to see will be made exhibit No. 6, for further reference and showing, if necessary.

(The film referred to was marked "Exhibit No. 6" for reference and may be found in the files of the select committee.)

Mr. RAUH. Mr. Chairman, this is the first time that a man has been allowed to speak without examination. Is there to be a record of this and a cross-examination of this, giving the Kohler Co. a chance to make a speech without examination?

The CHAIRMAN. Mr. Rauh, the witness is under oath.

Mr. RAUH. That is correct. But we were not allowed to make any direct presentations. Everything we have been allowed to say has been under examination.

The CHAIRMAN. You were. The first witness that was placed on the stand yesterday, I gave him permission to make a statement of his viewpoint.

Mr. RAUH. He got about two sentences done, and he was cross-examined. Here you are about to have a statement without any cross-examination whatsoever. You get 40 minutes of talk with no cross-examination.

The CHAIRMAN. We will proceed. But we are the ones to do the cross-examination, and we will cross-examine him as we want to as we go along.

Proceed with the film.

Let us have order. We will have a witness testifying, explaining this picture as it is shown. We want order so that the reporter can

record what the witness says for the transcript and so that members of the committee and others interested may hear the testimony.

Mr. O'NEIL. These first scenes [April 5, 1954] show the main gates of the Kohler Co., which show the driveways blocked by cars and, also, by mass picket lines. That is the southeast gate, blocked by automobiles. This is the entrance to the office. The two men in the center are union officials, Mr. Bower and a steward by the name of Nitsch. This is a gate that was very seldom used, but all these various gates that weren't used, nevertheless, were picketed on the first day of the strike. This gate was a temporary gate, I believe, that, nevertheless, was picketed. To my knowledge, it was never used.

[April 10, 1954.] This picture shows a gantlet the officeworkers had to run to go into the plant. The people on either side, watching them, are union pickets.

[April 12, 1954.] This scene will probably be in throughout the film. It shows the main gates of the Kohler Co. It shows High Street going in front of the plant, the boulevard of elm trees out beyond the picket line, separating the plant itself from the village by scenery. This represents the entrance to the main gate. The picket line with armbands is marching across the entrance, people out in front, who have just gone out of view. Those people out in front are in an area that is a driveway coming in through the plant. That is a union sound truck.

[April 12, 1954.] This tactic of a mirror was used quite often to discourage our photographers from taking pictures.

There you see nonstrikers approaching the group from the far side of the street. You will see how the picket line tightens up when people come in in that fashion, and an illustration of belly-to-back picketing, or lockstep picketing, we called it at times, too. The crowd congregates. Occasionally, the pickets at this gate would call up the street for help from other pickets at a gate. There they come now, coming down the street. With this camera, we are running out of some film this particular day, and we wanted to see just what the mirror would do to a bit of film.

[April 19, 1954.] The gentleman waiving the hat is Frank Wallich, the international representative. William Vinson was in that picture, international representative. The men with the big round hats we called goons. They distinguished themselves from the local pickets many times by wearing costumes or something of that nature. This particular morning, they wore hats.

The two men leaving—well, you can't see it now.

[April 23, 1954.] Those two men leaving and going across the street are nonstrikers who tried to come into work and were turned back. That is Mr. Kitzman in front there. You will see him in a moment, and Ray Majerus in front of the station wagon. This is the morning Mr. Macey visited the picket line. He is in the group, and there they posed for the cameras at this time.

Mr. Rand, Mr. Majerus, Mr. Kitzman, Mr. Gunaca, all international people were in that picture.

[April 26, 1954.] This morning, April 26, 1954, is the time that Harold Jacobs tried to drive into this gate. In a little while you will see the front end of his Pontiac car at the left hand side of the picture as he tried to be in the first car, leading his group or leading the

people who were trying to come to work, leading them into the plant through that entrance. There you see it at the top left, his car. The station wagon was pushed, a union station wagon, a sound truck, was pushed into the opening of that driveway, and I understand disabled by having a part removed from the engine. That is as far as Jacobs got. Mr. Ferrazza is in there, and Mr. Majerus. I believe that station wagon eventually had to be towed away at the direction of police.

Mr. Burkhart was in that crowd.

[May 5, 1954.] This, again, is that driveway in front of the plant. There are some nonstrikers at the top of the picture, led by Mrs. Tracey, I believe, Mr. Jacobs who testified yesterday, is there.

They got that far and then apparently they were turned back. People across the street, I think, mainly were nonstrikers, who came out to see what their chances were.

This, again, is a huddle. Sometimes these people came in there and there was quite a confab between law enforcement and pickets, and shoving coming from the picket line, shoving the nonstrikers back out of the entrance area.

That is Frank Wallich, the international publicity man, who is on top of the car with a camera.

That is William Rawlings waving his hat, one of the union stewards.

[May 10, 1954.] This picture was taken at our southeast gate coming into the plant. It is mainly a driveway for automobiles, and no foot traffic, to my knowledge. The picture was taken, and the barrels and other things you see are in the middle of the driveway, next to the State highway going past there. These two pickets are standing on the railway tracks which go into the property.

This is back at the main entrance to the plant, next to our personnel office. Again we have nonstrikers trying to get in, and who were turned back.

[May 11, 1954.] Once more this is the entrance, the main entrance, to our plant. I might say, too, most of these pictures were taken in the morning before 8 o'clock.

There is Mr. Sahorske, an international representative, with the white baseball cap on, talking to this group.

I see two men that I can identify as nonstrikers. The international men were talking to them in the last scene. This shows the depth, I believe, of the picketing pretty well. It was taken from a little different point of view from a second-story window, the medical department. It shows the lines going in opposite directions, with international people and other people, standing out in front before they ever get to the picket line.

Those three men are nonstrikers. They came out to come to work, and were received by this crowd.

Occasionally they would try and go up the grassy boulevard to another gate, and they would be followed up to that gate by groups of pickets. Those two men—a little bit of horseplay—are Vinson and Burns. They were both international representatives.

Ray Majerus there is talking to the international representative.

[May 17, 1954.] That is Mr. Burkhart talking to Art Bower, Burkhart international representative and Bower vice president of local

833. The nonstrikers are trying to get through there, and that draws a crowd of law enforcement officials and pickets. They are taking somebody away. I can't determine who is being hauled away.

Jess Ferrazza is shown in that picture, and Rand, and Sahorske. There is Burns talking to one of our nonstrikers.

And Burkhart, Wallich, Vinson. Burkhart was in the last scene, talking to the sheriff at that time, Ted Mosch.

[May 24, 1954.] This melee is being caused by nonstrikers being on this side of the street. These men in the foreground of the picture constituted a rear guard in case anybody got through. I always assumed that their function would be to plug up any holes.

There is a group of nonstrikers talking to the police.

This is a group of nonstrikers coming from the far side of the street. Mr. Burkhart is there, watching them, and there come 3 more, and 6 more coming in to the crowd.

One of them is talking to Rand there.

These people up at the end of the screen are nonstrikers, trying to go into a gate which usually wasn't open, next to the general offices. They went up to that opening and they were followed on the sidewalk and up the little roadway by a group of pickets.

That is the sheriff, Ted Mosch, walking along, talking to Chief Capelle, of Kohler Village.

Here, I think, the photographer was trying to cover a little bit too much with the movie.

Several people were shoved to the ground in that melee of pushing and shoving. The chief of police of Kohler Village is in the center of that crowd, and he has a few of the sheriff's deputies around him, trying to straighten things up.

Nonstrikers are in the back of that screen there.

[May 25, 1954.] This is May 25, when a nonstriker was hit above the eye, I believe, across the street, and the opening scene shows the people running across to the other side where the fisticuffs took place. This man was taken into the Kohler Co. medical building by police officers. You will see a picture of him in a few minutes. I believe they took 3 or 4 stitches above his eye.

This is the man. I think his name is "Dyke." He was taken to the Kohler Co. medical department where he was taken for treatment.

There are several nonstrikers in the upper part of the screen. I think this was a Tuesday morning. If I am not mistaken, the reason we took this series of pictures was to show a tactic, yes, there it is, the alleyway opened up by union pickets.

They would invite nonstrikers to come on and come on into the plant. On one occasion, one of the fellows I saw was kicked and kneed a bit trying to go through there, when he accepted the dare of the pickets.

That is John Gunaca, at the head of the line there.

There are the sheriff's deputies leaving after the nonstrikers had left the area.

[July 5, 1955.] This is July 5, and represents clay boat pictures. It will show a Kohler Co. driver getting out of his cab which was stopped at that point by the people down at the clay boat dock. The driver, I understand, was taken out of that crowd by police escort.

That is the rig, the crane, or whatever you call it, which was disabled and damaged by the crowd.

These pictures are taken from still photographs. This man was beaten up by people at the clay boat area.

[Reign of Terror by Night], that is a picture of vandalism. It is taken from the inside against the windows. I remember that home. I was down there at that time those people built that home.

Here is a shotgun blast through a living room window, about 2 or 3 miles outside of Sheboygan.

This is a man's car. He turned into a country lane to go home, and his car was struck simultaneoulsy from both sides by rocks.

In this home, I believe, the windows on 2 or 3 sides were broken simultaneously by heavy rocks going through.

There is a double thermapane, which took considerable force.

Here is paint on the venetian blinds. And rugs were damaged and walls.

Here is a cottage which had sulfuric acid poured every place you could pour acid. This happens to be a bed, but it was also poured over religious items and objects of that nature.

Here is a car that was damaged in the country, I would say about 15 miles from the plant.

That is all.

The CHAIRMAN. Turn the lights on.

Mr. O'Neil, did the union also make pictures, movies, so far as you know, of the strike?

Mr. O'NEIL. Yes, sir. As far as I know they had men there with movie equipment.

The CHAIRMAN. You don't know whether they made and preserved pictures or not?

Mr. O'NEIL. No, sir, I don't.

The CHAIRMAN. You do know there were union men there with movie cameras?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. As I understood you in the course of the showing of the picture, you referred to a number of union officials in these crowds.

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. International officials?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. Name those whom you identified in the crowd, international or union officers.

Mr. O'NEIL. Emil Mazey, Kitzman, Burkhart, Ferrazza, Rand, Majerus, Burns, Vinson, Ganuca. I am sorry, sir. That is all I can think of at the moment.

The CHAIRMAN. There is no doubt in your mind that they were the union officials you referred to?

Mr. O'NEIL. No, sir.

The CHAIRMAN. Then there is no doubt in your mind that they knew that this mass picketing was going on, and that they were there present and knowing and sanctioned it?

Mr. O'NEIL. No, sir.

The CHAIRMAN. Were they directing it, do you know?

Mr. O'NEIL. I don't know.

The CHAIRMAN. You just know they were there and they are bound to have known what was going on?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. And these pictures covered a period of what time?

Mr. O'NEIL. The mass picketing covered from April 5, 1954, through May 25, 1954.

The CHAIRMAN. That doesn't mean that you took pictures each day.

Mr. O'NEIL. No, sir, it does not.

The CHAIRMAN. It is on different days, as shown by the film?

Mr. O'NEIL. That is right, sir.

The CHAIRMAN. I observed that some had white bands or bands around their arms. Did that represent the union members that were on strike?

Mr. O'NEIL. Yes, sir. Those bands had black lettering against a white background, with UAW-CIO.

The CHAIRMAN. So the ones with the bands on their arms were presumably strikers, and members of the union?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. You said something about some of the officers, how you identified them.

Mr. O'NEIL. That one particular scene, I don't recall the date, they had big, floppy hats on.

The CHAIRMAN. Was that something prearranged as a signal or as a means of identification? Do you know that?

Mr. O'NEIL. I don't know that, sir.

The CHAIRMAN. The other films, parts of the film, that you edited out, you say they are where?

Mr. O'NEIL. In Kohler, in my office.

The CHAIRMAN. How soon could you get them down here?

Mr. O'NEIL. I imagine they can have them here by tomorrow.

The CHAIRMAN. I don't know that it will be necessary that early. But without objection on the part of the committee, the Chair is going to direct you to bring those films down and turn over to the committee for the committee's inspection.

Mr. O'NEIL. Yes, sir.

Senator MUNDT. Mr. Chairman, I think that is a very good idea, and I think to keep the thing in balance, we should also subpoena the union films, so that we have all the films available to the committee. We will request them, if they will do it voluntarily.

The CHAIRMAN. You will arrange to have those films brought down here and delivered to the committee?

Mr. DALEY. All right, sir.

The CHAIRMAN. You will do that without a subpoena, for that purpose?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. Are there any further questions?

Senator MUNDT. I did not hear you request the union, Mr. Chairman.

The CHAIRMAN. I am going to request them.

Mr. Rauh, you are not under oath, but I am asking for information. Do you know whether the union has pictures?

Mr. RAUH. I am informed we have none, Mr. Chairman. I just asked the question of Mr. Mazey.

The CHAIRMAN. You are informed you have no pictures?

Mr. RAUH. No. If there are any, they will be delivered voluntarily. We will make one more check.

The CHAIRMAN. The Chair will request you to make a check and report to the committee, definitely, as to whether the union has any pictures that it took of these incidents.

Have you anything further, Senator Mundt?

Senator MUNDT. No. If they have no pictures, that settles it.

The CHAIRMAN. We will ascertain that as the witnesses come on. We will get it under oath.

Mr. RAUH. I take it, Mr. Chairman, you were referring to motion pictures. I think some of our people have still photographs.

The CHAIRMAN. Apparently here the company went out and took pictures. They are company pictures and they presented them. If the union has union pictures that they can present, that the committee might be interested in, that is what we want to know. I can appreciate individuals going out and taking some pictures. I am not talking about that. I am talking about the matter if the union took pictures.

Mr. RAUH. Of those we have none, sir.

The CHAIRMAN. Well, make a check and have somebody prepared to swear accordingly.

Senator ERVIN?

Senator ERVIN. Mr. O'Neil, who owned these houses that were shown as having been subjected to acts of vandalism in these pictures?

Mr. O'NEIL. Nonstrikers, sir.

Senator ERVIN. In other words, they were on the individual property of the nonstrikers and not property of the Kohler Co.?

Mr. O'NEIL. That is correct, sir.

Senator ERVIN. That is all.

The CHAIRMAN. Senator McNamara?

Senator McNAMARA. I have no questions.

The CHAIRMAN. Mr. Kennedy?

Mr. KENNEDY. The pictures went on to May 25. Is that when the mass picketing ended?

Mr. O'NEIL. Well, I believe the WERP handed down its cease and desist order May 21. May 24 was that big scene of pushing, and May 25 was the one where the driveways were opened up. Mass picketing—it was about that time. I am not sure of the exact date.

Mr. KENNEDY. So it went on from April 5, the first day of the strike, with a recess of about 2 days until May 25, is that right?

Mr. O'NEIL. I would say until about June 1, sir. I am not sure of the date.

Mr. KENNEDY. About June 1. And there were always international officials or officials of the union present during that period of time?

Mr. O'NEIL. Yes, sir.

Mr. KENNEDY. They were present?

Mr. O'NEIL. On the picket line.

Mr. KENNEDY. And they were present virtually every day, 1, 2, or more of them?

Mr. O'NEIL. Yes, sir; that is correct, sir.

The CHAIRMAN. Are there any further questions?

Senator GOLDWATER. I have just one question.

Did you mention at any time in your narration that you had seen Mr. Grasskamp on the picket line?

Mr. O'NEIL. No, sir; I did not.

The CHAIRMAN. If there is nothing further, you may stand aside. Is there another witness?

Mr. KENNEDY. In the same way, Mr. Chairman, the company also has some pictures to offer to the committee for evidence. I believe it is Mr. Hammer.

Mr. CONGER. Mr. Hammer will be prepared to swear to those.

The CHAIRMAN. Come forward, Mr. Hammer.

Will you be sworn? You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HAMMER. I do.

TESTIMONY OF EDWARD J. HAMMER, ACCOMPANIED BY COUNSEL, LYMAN C. CONGER

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. HAMMER. My name is Edward J. Hammer. I reside at 501 School Street, Kohler, Wis. I am an attorney, associated with Kohler Co., and am an assistant to Mr. H. C. Conger, also legal counsel of Kohler Co.

The CHAIRMAN. Then I assume you waive counsel. Do you?

Mr. HAMMER. I would just as soon have Mr. Conger, sir.

The CHAIRMAN. I beg your pardon?

Mr. HAMMER. I would just as soon have counsel.

The CHAIRMAN. I didn't understand you.

Mr. HAMMER. I said I would like to have counsel.

The CHAIRMAN. All right.

Counsel, identify yourself.

Mr. CONGER. Lyman C. Conger.

The CHAIRMAN. We will have the record show the same counsel as appearing for the preceding witness.

Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Hammer, you have some pictures that were taken by you or under your direction regarding the mass picketing?

Mr. HAMMER. These pictures were taken under the direction of Mr. O'Neil for the legal department.

Mr. KENNEDY. Mr. O'Neil, then, could introduce them, or could you introduce them? I understood you were the witness that was to introduce them.

Mr. HAMMER. I understood my purpose was to identify certain people on these pictures, because I am familiar with them.

The CHAIRMAN. Let's have Mr. O'Neil back for a moment, please.

Mr. O'Neil, you have been previously sworn. Have a seat, please.

TESTIMONY OF LAWRENCE O'NEIL, ACCOMPANIED BY LYMAN C. CONGER, COUNSEL—Resumed

The CHAIRMAN. There are presented to you at this time a certain number of photographs—and we will ascertain the number and have the exhibit show accordingly—a series of a group of pictures.

I ask you to examine those pictures and state if you can identify them and whether they were made under your direction and supervision.

(The photographs referred to were handed to the witness.)

Mr. O'NEIL. Yes, sir; they were.

The CHAIRMAN. There appears to be how many? Did you count them?

Mr. O'NEIL. No, sir; I didn't, but I would estimate around 30.

The CHAIRMAN. I think for further purposes of identification and reference, those pictures should be made exhibit No. 7. They will have to be numbered for purposes of further identification. The whole group of pictures will be made exhibit No. 7, and the individual pictures may be numbered 7-A and 7-B, and when you run out of the alphabet start over again with AA and BB.

(The documents referred to were marked "Exhibits Nos. 7A to 7SS" for reference, and may be found in the files of the select committee.)

The CHAIRMAN. I think it is necessary to do this to keep the record straight, so that when the pictures are presented to witnesses for explanation or identification, we will know which picture is being referred to.

(At this point, Senator McNamara left the hearing room.)

The CHAIRMAN. While the clerk is numbering exhibits, let us present to the witness those that are already numbered up to now, and we can begin to interrogate the witness about them.

(The photographs were handed to the witness.)

The CHAIRMAN. Mr. O'Neil, you have identified these pictures as pictures made and taken under your supervision. These are still pictures, representing some aspects of the problem, is that correct?

Mr. O'NEIL. May I confer just moment, please?

(The witness conferred with his counsel.)

Mr. O'NEIL. All of them were except some, sir, which were taken by press photographers. We made copies of those prints and then retained the negative and made some of these prints.

The CHAIRMAN. Do you have the negative of all of these pictures?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. Can you identify them? Are you testifying that you know all of them, from your supervision and work with them, are pictures of incidents of this difficulty?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. Of those that have been presented to you that have already been numbered, are there any among them that you want to point out specifically and comment on with respect to what they may show?

In other words, we have the pictures, but now we need some explanation of each one, what it shows, and what it represents.

Mr. O'NEIL. I would say they show the area in the main gate, which the movie covered rather fully. These are still pictures of many of those actions you saw in the movies, sir, in that same general area next to our employment office at our driveway. These were stills taken by various photographers in that area.

The CHAIRMAN. I understand you care to make no further explanation about them?

Mr. O'NEIL. I am not quite sure of what you are after, sir.

The CHAIRMAN. I am not sure either. Is there anything that is significant about them, that they show something specific that you wish to comment on?

Mr. O'NEIL. It shows the mass picketing of the UAW-CIO across the driveway.

The CHAIRMAN. Is that all they show that you might wish to comment on?

Senator GOLDWATER. May I ask a question, Mr. Chairman? Is it possible to identify individuals in those pictures?

Mr. O'NEIL. Yes, sir.

Senator GOLDWATER. Are you able to identify them, or can somebody else identify them?

Mr. O'NEIL. I can identify some of them, but not too many.

Senator MUNDT. There seems to have been some question as to whether or not there were officials of the UAW international on the picket line. Do any of those pictures show such officials, and, if so, can you identify them?

Mr. O'NEIL. In some cases I can identify officials of the UAW on these pictures, yes, sir.

Senator MUNDT. It seems to me if you can, or if Mr. Hammer can, that is probably what the chairman has in mind. Then it would be significant and we would know from the pictures what witnesses might be able to be called from the UAW.

Mr. O'NEIL. A number of international people and local union officers can be identified from these still pictures.

Senator MUNDT. I would suggest to the chairman that between Mr. O'Neil and Mr. Hammer they identify those people that might later be called as witnesses.

The CHAIRMAN. I was trying to lay the foundation for a full identification.

Senator MUNDT. I know you were.

Mr. CONGER. Might I make a suggestion that there is a caption on the back of each picture. I suppose you want that under oath, but you might ask the witness about that.

The CHAIRMAN. The Chair has not looked at the caption. Let me see one of the pictures.

(The photographs were handed to the committee.)

The CHAIRMAN. I want to make an intelligent record so that he who reads the record will understand this. In examining the pictures, I note there is handwriting on the back of them, identifying the pictures, and the people in the pictures. Is that correct?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. And on the front of the pictures, I notice there have been marks down to individuals in the pictures and numbers placed at the top.

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. On the reverse side of the picture, you have identified the person whom the mark indicates as being present in the picture?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. Did you make these identifications? Is this your handwriting on the backs?

Mr. O'NEIL. No, sir.

The CHAIRMAN. Have you examined all of these to ascertain that the markings on them are correct?

Mr. O'NEIL. No, sir.

The CHAIRMAN. Who has? Who can testify to that?

Mr. O'NEIL. Mr. Conger's department did that. I don't know who did it, specifically, sir.

The CHAIRMAN. We do not know, then, at this moment, whether these markings are accurate or not, is that correct?

Mr. O'NEIL. That is correct.

Senator MUNDT. I thought Mr. Hammer was to do that.

The CHAIRMAN. Maybe he will. I just said at the moment.

So you have told us all about the pictures at this time that you can?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. Come forward, Mr. Hammer.

**TESTIMONY OF EDWARD J. HAMMER (RESUMED), ACCOMPANIED
BY LYMAN C. CONGER, COUNSEL**

The CHAIRMAN. Mr. Hammer, I present to you the still photographs, a large group of them, I would say some 40 pictures. They have been identified and placed in the hearings as exhibit 7, 7A, B, C, and so forth, to identify them. Have you examined those pictures that you have before you?

(The photographs were handed the witness.)

Mr. HAMMER. May I look at the rear side to determine if it is my handwriting? I am sure it is.

The CHAIRMAN. First tell me if you have examined them.

Mr. HAMMER. Yes, I have, numerous times, sir.

The CHAIRMAN. You have numerous times examined them?

Mr. HAMMER. Yes, sir.

The CHAIRMAN. And you are familiar with the pictures that have been made into this exhibit?

Mr. HAMMER. Yes, sir.

The CHAIRMAN. You are familiar with the handwriting on the reverse sides of them?

Mr. HAMMER. May I look at them?

The CHAIRMAN. Yes, you may. Look at enough of them to satisfy yourself. Unless there is some question, there would be no need to examine each one of them.

Mr. HAMMER. A good portion of them are in my handwriting, and those that are not were made under my direction.

The CHAIRMAN. Then you can state that the pictures are the pictures that have been kept under your direction and supervision?

Mr. HAMMER. Yes, sir.

The CHAIRMAN. And that the identifications marked thereon were either made by you personally or under your direction and supervision?

Mr. HAMMER. Yes, sir.

The CHAIRMAN. How about the markings on the front indicating the identity, which also are designed to help identify the person indicated.

Mr. HAMMER. The answer would be the same, sir, under my direction or personally done by myself.

The CHAIRMAN. Then do you state under oath that at least according to your best knowledge and belief, the markings of identifications of persons shown in the pictures as indicated by the markings on the front, No. 1, 2, 3 and so forth, are true and correct as to the identification of those persons?

Mr. HAMMER. Yes, sir.

The CHAIRMAN. On all of the pictures?

Mr. HAMMER. Yes, sir.

The CHAIRMAN. Are there any questions?

Senator MUNDT. Mr. Chairman, I think it would be a good thought to have a list of those names, of the persons identified.

The CHAIRMAN. They can do that on the different ones.

Is there anything further of this witness? If not, you may be excused. The committee will stand in recess until 2 o'clock.

Mr. RAUH. Mr. Chairman, I have just one request from the union.

We request that Mr. Mazey be permitted to have the same amount of time this afternoon that the company was granted in this morning for uninterrupted presentation of the union's position.

Mr. Reuther is not in town. Mr. Mazey is here in the room. We ask for the same amount of time given the company this morning for the presentation of their case.

The CHAIRMAN. Let the Chair say this: My friend, as an attorney, knows that you cannot present every witness and all the facts at one time. It is our purpose to present this in the best way possible so that a correct, true, factual picture may be recorded in the record. We are going to hear Mr. Reuther, we are going to hear Mr. Conger, we are going to hear all of them. But I cannot conduct hearings if every time I put on a witness, somebody tells me to put on another.

Mr. RAUH. We would like the record to show our feeling that only the company witnesses are being heard at this time, and that that is unfair to the union.

The CHAIRMAN. I am not going to accept your statement that it is unfair to the union. I have tried a few lawsuits myself, and I know the proper way is to present, is to put on one side at a time. Here I am trying in some instances to give both sides the equal breaks. I hope the Chair will be indulged in that respect because we could be very arbitrary, which we do not intend to be. We are going to give each side a fair chance here. I have no interest in Mr. Company or Mr. Union. All I want to get on this record is the truth, under oath, insofar as we know how to do it.

The committee stands in recess until 2 o'clock.

(Whereupon, at 12:17 p. m., the hearing recessed to reconvene at 2 p. m. of the same day with the following members of the committee present: Senators McClellan, Ervin, Mundt.)

AFTERNOON SESSION

The CHAIRMAN. We will proceed.

(Members present at the reconvening were Senators McClellan and Goldwater.)

The CHAIRMAN. Mr. Lawrence Schmitz.

Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and noth-

ing but the truth, so help you God?

Mr. SCHMITZ. I do.

TESTIMONY OF LAWRENCE SCHMITZ

The CHAIRMAN. State your name and place of residence and business or occupation.

Mr. SCHMITZ. My name is Lawrence Schmitz. I live at 128 South Milwaukee Street, Plymouth, and I work for the Sargento Cheese Co.

The CHAIRMAN. Mr. Schmitz, do you waive counsel?

Mr. SCHMITZ. Yes; I do.

Mr. KENNEDY. Mr. Schmitz you were undersheriff of Sheboygan County at the time the strike took place at the Kohler plant?

Mr. SCHMITZ. That is correct.

Mr. KENNEDY. And the Kohler plant is within the jurisdiction of the sheriff's office?

Mr. SCHMITZ. That is true.

Mr. KENNEDY. What is an undersheriff?

Mr. SCHMITZ. An undersheriff is actually a deputy sheriff who assists the sheriff in performing the duties of his office.

Mr. KENNEDY. Were you appointed or elected?

Mr. SCHMITZ. I was appointed.

Mr. KENNEDY. By whom were you appointed?

Mr. SCHMITZ. Sheriff Mosch.

Mr. KENNEDY. And you were present during the period of the strike and the mass picketing that took place outside the Kohler plant?

Mr. SCHMITZ. During a good share of the picketing.

Mr. KENNEDY. You were present?

Mr. SCHMITZ. Yes, sir.

Mr. KENNEDY. Prior to the strike, did you have any meetings with the union or company officials?

Mr. SCHMITZ. About 1 year prior to the strike, when there appeared to be danger of a strike, I was present at a meeting at the Kohler Village hall, I believe. The chief of police of Kohler was there, and the sheriff and myself, and several other men.

I believe there were about two of them that were union men, at least they were pointed out to me as union men.

Mr. KENNEDY. But you did not take part in any meeting just a few days before the strike?

Mr. SCHMITZ. No, sir.

Mr. KENNEDY. Now, did the sheriff put you in charge of the enforcement of the law in the vicinity of the Kohler plant during the period of the mass picketing?

Mr. SCHMITZ. I was not actually in charge of the law enforcement out there. As close as I can remember, a week or 10 days after the strike started, the sheriff asked me to go out there and assist Chief Capelle in trying to maintain order in Kohler Village.

You have to understand the village of Kohler have their own police force which ordinarily takes care of everything within the village of Kohler. I was out there with some of our officers to assist Chief Capelle keeping order.

Mr. KENNEDY. How many people did you have out there?

Mr. SCHMITZ. We had only 12 uniformed officers in Sheboygan County, and that county comprises an area of roughly 500 square miles.

Mr. KENNEDY. How many did you have there?

Mr. SCHMITZ. At some times, early in the morning, from about 5:30 until 7:30 or a quarter of 8, I would have all of the officers out there, and there were a few times when we had special deputies out there, and I think the greatest number would have been possibly 15 or 18.

Now, a special deputy is just an ordinary citizen who had been deputized by the sheriff to assist the law enforcement. These men have had no training.

Mr. KENNEDY. They are not issued a commission of any kind?

Mr. SCHMITZ. No, sir.

Mr. KENNEDY. Now, what did you feel your duties were as far as these nonstriking employees of the Kohler plant were concerned, who wanted to get into work while the mass picketing was going on?

Mr. SCHMITZ. I asked the district attorney of Sheboygan County, who is the head legal official in our county, for clarification of my duties out there in writing. I asked for this several times, and I never was able to get a written opinion.

However, he did tell me verbally that my duties were to assist these people in approaching the picket line, and after they got to the picket line, they would have to make their own attempt to go through it. Then, if there was any scrap or if there was any trouble on the picket line, of course whoever would start it would have to be arrested.

Mr. KENNEDY. Now, did you fulfill your duties and responsibilities as far as this was concerned?

Mr. SCHMITZ. I tried to, with the limited force I had.

Mr. KENNEDY. Did you bring people up to the picket line?

Mr. SCHMITZ. We went with these people, and we usually went ahead of them, I think, as the pictures that you saw this morning that were shown here—it showed our officers and myself, Chief Capelle, and one of his uniformed officers who was usually out there, attempting to take these people through the picket line.

Mr. KENNEDY. How many people did Chief Capelle have working for him?

Mr. SCHMITZ. I don't know the exact number, although I do know that he was working on three shifts. At no time did I see more than, I would say, about 30.

However, as a general rule, none of his officers crossed High Street, which is the boulevard street in front of the plant, to assist in trying to enter the plant, with the exception of his uniformed men. I believe at that time he had three.

As a rule it was just the chief—and I can't remember the name of his next officer who usually went with the chief in the morning, and came over here to assist in keeping the line as orderly as possible.

Mr. KENNEDY. He had more men than you had then?

Mr. SCHMITZ. Yes; he had more men than we had.

Mr. KENNEDY. More men than the sheriff's office had?

Mr. SCHMITZ. Yes, sir.

Mr. KENNEDY. Those men were there to help and assist, if necessary, is that right?

Mr. SCHMITZ. I cannot tell you exactly what his men were for. I know that part of them were assigned duties and guarded different places, like the pumphouse in the village, and they had walking patrols in the village to try and see that there were no disorders away from the plant.

Mr. KENNEDY. When you took people up to the picket line, which you were describing, and then the pickets would not allow them in, did you make any arrests?

Mr. SCHMITZ. Yes, sir.

Mr. KENNEDY. How many arrests did you make during this period of mass picketing?

Mr. SCHMITZ. Roughly, I would say possibly between 15 or 18.

Mr. KENNEDY. Fifteen or eighteen arrests?

Mr. SCHMITZ. I believe so.

Mr. KENNEDY. How many of those were pickets and how many were nonstrikers?

Mr. SCHMITZ. All of the arrests that I made were strikers.

Mr. KENNEDY. And what happened in connection with those?

Mr. SCHMITZ. I do not know, sir. I know that in one instance where I arrested, or I signed complaints against 11, there was a hearing in Donald Kane's court, justice of the peace in Sheboygan Falls, and then there was, I believe, an appeal made or there was argument, and at a later date, I understand that they were all dismissed.

Mr. KENNEDY. How did you select those 11 that you arrested?

Mr. SCHMITZ. It was the leadership of the union who were present at the picket line that morning.

Mr. KENNEDY. It wasn't necessarily those who had stopped the nonstrikers from getting into the plant, but it was those that appeared to be in charge of the picket line, is that right?

Mr. SCHMITZ. It was those who were in charge of the union, as far as I knew, and I would like to clarify that, at that time. We were attempting to find a legal way of opening this picket line without bloodshed.

I had talked to John Buchen, who was the district attorney, and asked them what we could do. He looked up our wisdom laws, and this particular law stated that any time there were three or more persons gathered together in a manner so as to, I don't know the exact wording, but I believe disturb the peace or cause a commotion, it was a violation, and he instructed me at that time to try and get the names of these leaders out there on that line that morning.

Because I didn't know many of them personally, Chief Capelle assisted me at that time in pointing out the different ones. I was not too well acquainted with the Kohler workers.

I live in the city of Sheboygan, which is some distance from the Kohler Co., and many of the people are from outside the county, and many of them are from the city of Sheboygan, and I did not know a very large percentage of them.

Mr. KENNEDY. So the ones that were selected were not the ones who had stopped the nonstrikers from getting into the plant, but those who were in charge, or who you were told were in charge of the picket line, is that right?

Mr. SCHMITZ. That is right.

MR. KENNEDY. And that case was ultimately dismissed in one of the courts?

MR. SCHMITZ. That is what I was told, sir.

MR. KENNEDY. Were you ever called to testify in that case?

MR. SCHMITZ. I testified at the preliminary hearing on that.

MR. KENNEDY. Were you ever called to testify in the municipal court?

MR. SCHMITZ. No sir.

MR. KENNEDY. You were not?

MR. SCHMITZ. No, not in that case, no, sir. And it didn't get that far.

(At this point, Senator Ervin entered the hearing room.)

MR. KENNEDY. Where it was dismissed?

MR. SCHMITZ. In the justice's court.

MR. KENNEDY. Were you called to testify at the justice's court?

MR. SCHMITZ. Yes.

MR. KENNEDY. Did you make any other arrests of the people who were actually stopping the nonstrikers from getting into the plant?

MR. SCHMITZ. I made several other arrests, of one person at a time, where I felt that their manner of behavior on the line might cause a riot or might cause us to have trouble there where some of them would be seriously injured.

MR. KENNEDY. What happened in those cases?

MR. SCHMITZ. I am not sure on many of those, sir. All I did was sign the complaint before the district attorney. What happened to the case after that, I never knew.

Most of these cases were delayed. They were set over. This was an agreement, I believe, between the district attorney and the attorney for the union.

THE CHAIRMAN. The committee will have to stand in recess until we can return. There is a rollcall vote in the Senate and we will have to recess for that purpose.

(A brief recess was taken.)

(Members present at the taking of the recess were: Senators McClellan, Ervin, and Goldwater.)

(At this point, the following members were present: Senators McClellan and Ervin.)

THE CHAIRMAN. The committee will be in order. Mr. Schmitz, we will resume with your testimony.

MR. KENNEDY. Well, you did arrest some of these pickets, did you?

MR. SCHMITZ. Yes, sir.

MR. KENNEDY. And do you know what happened in those cases with the actual pickets that you arrested?

MR. SCHMITZ. No, sir. I know that in one instance there were some of the cases tried at the Plymouth justice court, Plymouth, Wis. They were found guilty, I believe, and small fines were assessed. On the others, I do not know if they ever came to trial. To the best of my recollection, I was not called to testify.

MR. KENNEDY. Do you feel that you did all that you could do in this case to restore law and order and to give these people their rights, the individuals who wanted to go to work?

(At this point, Senator Mundt entered the hearing room.)

MR. SCHMITZ. Yes, sir. With the amount of help that I had, and I think the pictures this morning showed the size of the picket lines,

with the small force that I had available, I believe I did the best I could.

Mr. KENNEDY. What about Sheriff Mosch, do you feel that he met his responsibilities?

Mr. SCHMITZ. That would be a very hard question for me to answer. I believe that Sheriff Mosch did the best that he could according to his right, sir.

Mr. KENNEDY. What do you mean by that? What were the things that he should have done that he didn't do, in your estimation?

Mr. SCHMITZ. I do not wish to second guess Sheriff Mosch or anybody else. I think that if all of us could do this over again, possibly we might do things differently. It is always easier after something happened, to look back and say "I should have done this or that." But at the time, I believe that he did what he thought was right.

Mr. KENNEDY. You arrested William Vinson, did you not?

Mr. SCHMITZ. Yes. I signed a complaint against Vinson.

Mr. KENNEDY. And he was an international organizer of the UAW?

Mr. SCHMITZ. That is what I was told, sir.

Mr. KENNEDY. Was that for his activities on the picket line?

Mr. SCHMITZ. That was for activity on the picket line on one particular morning. I am not sure of the date, sir. I believe it was about the middle of May. Do you wish me to tell of the incident?

Mr. KENNEDY. Yes, please.

Mr. SCHMITZ. On this particular morning, as I recall it, I believe one person came across High Street, and approached the picket line after first talking to Chief Capelle about entering the plant. I don't remember how many officers we had, but we started toward the picket line in an effort to force an entrance so this man could go through. I was ahead of the group, actually leading the group, of officers, and as I got up to the picket line, we were attempting to force those back that were on the street itself, back on to the sidewalk.

I noticed that there wasn't anyone behind me. As I turned around, I noticed that Mr. Vinson had gotten in front of this man and had bumped him, as I was watching, bumped him with his shoulder.

I returned toward Mr. Vinson, and, as I recall—it is a long time ago, it is almost 4 years—if my memory serves me, he bumped this man once or twice with his shoulder, and I grabbed Mr. Vinson and placed him under arrest. I took Mr. Vinson out of the picket line and took him over to one of our squad cars. The squad car was driven by Harvey Feld, who was a uniformed police officer. I told Harvey and the officer that was working with him, I don't remember who it was at this time, I told him to take Mr. Vinson down to the county jail.

At the same time, one of our deputies, Mr. Federwich had arrested another man, and I told Harvey to take both of the men on this one trip.

Mr. KENNEDY. Do you know what happened in that case, as far as Vinson?

Mr. SCHMITZ. From what I was told, I don't know of my own knowledge, when they got to the sheriff's office, a bondsman was there who provided bond for the two men.

Mr. KENNEDY. What about the case against him?

Mr. SCHMITZ. I don't know of that case, sir. It may have been the one that was at Plymouth.

Mr. KENNEDY. You weren't called to testify?

Mr. SCHMITZ. I wasn't called to testify. I would say there were several cases in which I testified, and some of the other officers made arrests. There were arrests made of both striking and nonstriking persons, by members of the different police departments. It is pretty hard for me to remember which is which, unless you have the record.

Mr. KENNEDY. You also carried or brought Vinson down at a later time when he was sent to the State penitentiary?

Mr. SCHMITZ. Yes, sir.

Mr. KENNEDY. He was sent to the State penitentiary after having been found guilty of assault to do bodily harm; is that right?

Mr. SCHMITZ. That is right, sir.

Mr. KENNEDY. You drove him down to the State penitentiary?

Mr. SCHMITZ. That is correct.

Mr. KENNEDY. Did you have a conversation with him at that time, regarding who was responsible for the violence?

Mr. SCHMITZ. Yes; I did, sir.

Mr. KENNEDY. Will you relate your conversation with him?

Mr. SCHMITZ. Well, as close as I can remember, I asked him what was going to happen now. He was pretty much down in the mouth.

I don't blame him. He had been sent to the State prison. I asked him about this violence. As close as I can remember the statement he made was that "Well, we may be responsible for part of it, but we are not responsible for all of it."

The CHAIRMAN. What does he mean by "we"?

Mr. SCHMITZ. Sir?

The CHAIRMAN. What did he mean by "we" may be responsible for part of it?

Mr. SCHMITZ. I couldn't tell you that, sir. That is his statement as best as I can remember.

The CHAIRMAN. Well, you were asking him. What do you think he implied?

Mr. SCHMITZ. I felt he meant the union with which he was affiliated.

The CHAIRMAN. In other words, you were sufficiently convinced of that that you didn't inquire further for clarification?

Mr. SCHMITZ. He went on, sir, if I may follow this a little further—

The CHAIRMAN. All right.

Mr. SCHMITZ. He went on to tell of a particular case, I think you saw a picture of it this morning, where a shotgun was blasted or fired through one of the worker's windows. He told me that he and two other members of their union had tried to find if anyone associated with their union had any part of this particular piece of vandalism. I think he was trying to impress me with the fact that they did not have anything to do with that at the time. When I tried to talk to him further, he wouldn't answer me at all.

He just clammed up.

Mr. KENNEDY. How, generally, did the pickets act who were on the picket line?

Mr. SCHMITZ. Well, as a general rule, sir, I would say that they were quite orderly, although they were quite determined also.

Mr. KENNEDY. But they were, generally, orderly?

Mr. SCHMITZ. I would say that they were generally orderly.

Mr. KENNEDY. Was there much damage done to the plant?

Mr. SCHMITZ. To my knowledge there wasn't any damage done to the plant. I don't think any of them ever entered the plant, to the best of my knowledge.

Mr. KENNEDY. Were there any bricks thrown at the plant or anything like that?

Mr. SCHMITZ. Not to my knowledge.

Mr. KENNEDY. Most of the disorder that took place would be when the nonstrikers came across the street and attempted to get into the plant?

Mr. SCHMITZ. That is right, sir.

Mr. KENNEDY. Was there much of the pickets going across the street and starting fights?

Mr. SCHMITZ. There were occasions when the pickets would go to the opposite side of the street. By "pickets," I mean the people who were on the picket line. As I stated before, I was not acquainted with many of the people on that picket line, or with the people trying to get in, with the exception of a couple of people that I knew from Plymouth.

Mr. KENNEDY. Did that happen frequently, that they went across the street?

Mr. SCHMITZ. Not too often. It did happen on occasion, though.

Mr. KENNEDY. Did Sheriff Mosch ever speak to you about taking any money from the union as a campaign contribution?

Mr. SCHMITZ. Yes; he did.

Mr. KENNEDY. What conversation did you have with him about that?

Mr. SCHMITZ. He talked to me one day about it, and said that they wanted to make a contribution to his campaign which was coming up in the fall, and he asked what I thought of it, and I told him that if I were him I would not accept contributions from either side at that time.

Mr. KENNEDY. When was this?

Mr. SCHMITZ. This was before he ran for reelection.

Mr. KENNEDY. Which would be in 1955; would it be?

Mr. SCHMITZ. I believe so, sir.

Mr. KENNEDY. 1955?

Mr. SCHMITZ. I believe so.

Mr. KENNEDY. And you advised him at that time not to take any money from either side; is that right?

Mr. SCHMITZ. Yes; that is what I told him, sir. As I recall, that must have been in the summer or early fall, because the lines, the picket lines, were open at that time.

Mr. KENNEDY. Was emotion between strikers and nonstrikers at a very high pitch during this period?

Mr. SCHMITZ. It was very high; yes, sir.

Mr. KENNEDY. There was great bitterness between the people and those who were coming into the plant, trying to go to work?

Mr. SCHMITZ. Yes, sir.

Mr. KENNEDY. There was name calling, was there, between the various sides?

Mr. SCHMITZ. Yes, sir; there was.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Did you ever succeed in getting anyone into the plant during the time of the mass picketing?

Mr. SCHMITZ. Only one time, sir. I was called upon to serve subpoenas on 3 workers who were in the plant at the time, and I went into the company and subpoenaed the 3 men, and I told them that I would provide them transportation to the courthouse to testify, and that I would see to it that they were put back into the plant.

The CHAIRMAN. Were you able to do that?

Mr. SCHMITZ. Yes, sir; I did.

The CHAIRMAN. You were able to take them out and able to put them back in?

Mr. SCHMITZ. Yes, sir.

The CHAIRMAN. What arrangements did you make to get them back?

Mr. SCHMITZ. What do you mean by that, sir?

The CHAIRMAN. To get them back into the plant. How did you get them back into the plant?

Mr. SCHMITZ. I drove up to the employment office in my squad car; I owned my own car; I drove up to the front of the office and I had one uniformed officer with me, and I told the pickets that were on duty at the time that I had subpoenas for these 3 men, that I was going to bring them out of the office, take them to the courthouse, and I was going to put them back in the plant again when they were through with their testimony.

The CHAIRMAN. Did you have any trouble getting them back in?

Mr. SCHMITZ. No, sir.

The CHAIRMAN. When you gave orders as a sheriff or undersheriff, they were obeyed, in that instance?

Mr. SCHMITZ. In that instance, they were obeyed, sir.

(At this point, Senator Goldwater entered the hearing room.)

The CHAIRMAN. But, in other instances, when you were trying to get people into the plant that wanted to go back in and work, did you give such orders that you were going to take them in?

Mr. SCHMITZ. We tried to give orders, but they were not obeyed.

The CHAIRMAN. Did you give orders that you were going to take them in, and to get out of the way?

Mr. SCHMITZ. We gave orders, both myself and the chief of police, to open the line; but they were not obeyed.

The CHAIRMAN. They were not obeyed?

Mr. SCHMITZ. No, sir.

The CHAIRMAN. I suppose you were not given orders to use bayonets to open them up?

Mr. SCHMITZ. My orders were not to use any arms.

The CHAIRMAN. You used no force?

Mr. SCHMITZ. I think the pictures this morning showed that.

The CHAIRMAN. If you used force, obviously, force kept you out?

Mr. SCHMITZ. That is right.

The CHAIRMAN. You could have gotten in if there wasn't force, then; couldn't you?

Mr. SCHMITZ. Yes, sir.

The CHAIRMAN. So, there was mass picketing, and so effective that those designed to get in and out of the plant to work, couldn't.

Mr. SCHMITZ. That is right.

The CHAIRMAN. And in spite of all of the efforts that you made, other than just using physical shoving and trying to push yourself in, with all of that, you were unable to get anybody into work?

Mr. SCHMITZ. That is right, sir.

The CHAIRMAN. Are there any further questions?

Senator MUNDT. I was interested in your observation that, looking backward, you might have done some things and I can well appreciate how that is true of all of us in a great many circumstances. I wonder if you would tell the committee now what you would do differently had you had the benefit of hindsight at the time.

Mr. SCHMITZ. Sir, I was not in a position to actually do anything. I was not in charge. I could not secure the needed men. If you were going to open that line, it would have required several hundred men. And, after you had the line open, in my estimation, it would have taken several hundred more men to keep it open. As I stated before, we have a county which is 24 miles long and, on an average, I would say, of 22 miles across. The shoreline makes it vary at different points. It is, roughly, about 500 square miles. We have quite a highway system leading to Kohler Co. We have a great many workers who come from long distances in our county to go to work; and from outside of the county.

It would have been our duty not only to open those gates, but, also, to protect those people coming to and going from the plants, after the lines were opened. I think that showed it after a while. I just didn't have that kind of manpower to try to do that. We would have needed a great deal more help than what we had, and I never was provided with that help, sir.

Senator MUNDT. That all might tend to explain why you did what you did when you did it, but you said that, had you had the benefit of hindsight, you would have done things differently. My question was: What would you have done differently had you known then everything that you know now?

Mr. SCHMITZ. Sir, I believe that that answer I gave was in a question posed as to whether or not I thought Sheriff Mosch had done the best that he could, and that is the answer I gave. I was not in a position to order more men.

Senator MUNDT. Let me put it this way: What do you think, as a firsthand observer and a law-enforcement official, what do you now think should have been done? We will take you out of the picture and say just what should have been done?

Mr. SCHMITZ. I don't know, sir. As I said, I do not intend to second guess these men. Mr. Capelle, chief of the Kohler Police Department, who, I think, did a fine job, with the limited resources he had, and Sheriff Mosch, were the two men actually in charge there, and I don't think it would be fair to them for me to sit here today and second guess them on what should have been done, now that we sit here and see what did happen.

Senator MUNDT. You brought the phrase in; I did not.

Mr. SCHMITZ. Sir, it was only in answer to this question posed as to whether or not Mr. Mosch had done his duty. I was trying at that time to explain why it was hard for me to answer that question.

Senator MUNDT. So we can get it in the record once and for all, you do not want to at this time make any suggestions to what you think might have been done differently, is that right?

Mr. SCHMITZ. That is right.

Senator MUNDT. You arrested Mr. Vinson, did you?

Mr. SCHMITZ. I did, sir.

Senator MUNDT. Did you later testify at his trial?

Mr. SCHMITZ. As I stated before, sir, if that is the one that was held at Plymouth, and I think it was, then I did, sir, and I also testified in the other case when Mr. Vinson and these other, I believe it was later reduced to 10 of the 11 that I signed complaints on, were brought up at Justice Kane's court at Sheboygan Falls.

I testified at that time, also.

Senator MUNDT. Your answer, then, is "Yes, you did testify"?

Mr. SCHMITZ. On those two occasions, yes, sir.

Senator MUNDT. For what did you arrest Mr. Vinson?

Mr. SCHMITZ. The one time, I stated this incident, of bumping the man coming across the street, and I believed that it was disorderly conduct.

As a rule, if we had any arrests made by anyone on the line, any of our officers, we went to the district attorney, and told him what had happened. Then it was his duty to draw up the proper complaint. And we signed that complaint. The other case was this unlawful assembly under the Wisconsin State law, where more than three people are gathered in a manner so as to disturb the peace.

Senator MUNDT. Did you arrest Mr. Vinson twice, then?

Mr. SCHMITZ. Yes, sir.

Senator MUNDT. Once for disorderly conduct, physical contact with a would-be worker?

Mr. SCHMITZ. That is right.

Senator MUNDT. And the other time for calling a meeting or participating in a meeting which violated Wisconsin State law?

Mr. SCHMITZ. That is right, sir.

Senator MUNDT. And you testified at the trials. Was he convicted?

Mr. SCHMITZ. As I stated before, sir, the false trial, the one at Sheboygan Fall. I understand later that those charges were dismissed. But I would have no knowledge of a lot of that, sir. We would testify, if and when it came to trial. Some of them didn't come to trial. I would testify, but I would not know what happened later on.

Senator MUNDT. What were the charges against the workers in the plant which you went in to serve subpoenas on?

Mr. SCHMITZ. I believe it was a WERB hearing that they had at that time, this labor relations board hearing.

Senator MUNDT. They were sought as witnesses, then?

Mr. SCHMITZ. Yes. They were taken as witnesses, yes, sir.

Senator MUNDT. You mentioned the fact that the sheriff asked you whether he thought he should accept the money that the union offered him in his campaign. About what time of the year was it that the sheriff discussed that with you?

Mr. SCHMITZ. As best I can remember, sir, it must have been late summer or early fall. I know it was after the picket lines were opened.

Senator MUNDT. 1954?

Mr. SCHMITZ. Yes, sir.

Senator MUNDT. The election took place, I suppose, in the fall of 1954?

Mr. SCHMITZ. The end of 1954, yes, sir.

Senator MUNDT. So this was some time, I presume, between the end of May in 1954 and whenever the campaigns opened?

Mr. SCHMITZ. That is right, sir.

Senator MUNDT. You said that you gave orders to the picket line to let you bring workers into the plant.

Mr. SCHMITZ. Yes, sir.

Senator MUNDT. And that the orders were not followed.

Mr. SCHMITZ. No, sir.

Senator MUNDT. What manifestation of disobedience did the pickets take?

Mr. SCHMITZ. The picket line just continued to stay where it was, sir.

Senator MUNDT. Did you try to lead your men through the picket line?

Mr. SCHMITZ. Yes, sir.

Senator MUNDT. And they resisted you physically?

Mr. SCHMITZ. One morning, I think some of the pictures this morning—I saw them—I believe some of them showed where there was some men down. I believe the gentleman who was talking about the pictures, mentioned that 2 or 3 were knocked down, but he failed to mention that those 2 or 3 were my officers that were knocked down, 2 of them in uniform and 1 out of uniform.

I was knocked to one knee that morning, on that particular push.

Senator MUNDT. You saw it?

Mr. SCHMITZ. Yes, sir.

Senator MUNDT. That is what I was trying to establish, whether physical force was used not only against the workers, but against the law enforcement officials as well.

Mr. SCHMITZ. That morning, sir, three of my men were actually down on the ground and I was down on one knee, yes, sir.

Senator MUNDT. Were you sufficiently identified so that the pickets knew they were using physical force against the law?

Mr. SCHMITZ. 12 of our officers were in uniform, sir. I wore my under sheriff deputy's badge on the outside of my overcoat. There wasn't any doubt about who we were out there, sir.

Senator MUNDT. So the violence was directed not only against the would-be worker, but also against the law enforcement official who was trying to do his duty?

Mr. SCHMITZ. Yes, sir. This pushing, if I may go a little further, sir, this pushing, which would start, the depth, at times, I would say, might be 10 or 12 or even 15 men, one behind the other.

The men in front were actually not doing any pushing. The ones that were pushed against us, the ones that were pushed against us the day we were knocked down had no choice in the matter. The weight in numbers behind them were forcing them on top of us.

The ones close to us, the ones that we could have reached, if we had wanted to make any arrests, actually were victims of circumstances at the time. They had no choice. They were just pushed on us.

Senator MUNDT. It was coming from several men back who were pushing?

Mr. SCHMITZ. Back from quite a ways.

Senator MUNDT. I can understand that. I believe that is all, Mr. Chairman.

The CHAIRMAN. Senator Ervin?

Senator ERVIN. Were you in here this morning when the moving pictures were shown?

Mr. SCHMITZ. Yes, sir, I was.

Senator ERVIN. As I understand, you were there on duty during the period in which they had the so-called mass picketing?

Mr. SCHMITZ. Yes, sir.

Senator ERVIN. Were these moving pictures which were exhibited here this morning a true representation of the conditions that you saw there?

Mr. SCHMITZ. It looked that way to me, sir.

Senator ERVIN. That is all.

Senator GOLDWATER. Mr. Chairman, I have just one question.

The CHAIRMAN. Senator Goldwater?

Senator GOLDWATER. Mr. Schmitz, were any strikers hired by the sheriffs as deputies or special assistants?

Mr. SCHMITZ. Strikers?

Senator GOLDWATER. Yes.

Mr. SCHMITZ. Not out on the line, I don't believe, sir. I believe there might have been 1 or 2 who were deputies. May I qualify this, sir?

Senator GOLDWATER. Yes.

Mr. SCHMITZ. We had men who were deputized before the strike who later were in the plant; in fact, a great many of the Kohler officials were deputies, and we also had men on the picket line whom the sheriff had deputized prior to the strike. And I believe there might have been 1 or 2—we also had patrols out in the county.

Because of our small force, we tried to put 1 uniformed officer and 1 plainclothes officer without much experience together to have 2 men in a car and yet get a better coverage with the few cars we had. We also had cars out that were not marked. They were paid for the use; the man who drove the car was paid mileage for that car's use. There is a possibility that there might have been a few of those who could have been strikers. But I am not in a position to say, because I don't know who all were deputies and who weren't. I never had a list, myself, of the deputies. I don't know who were deputies. Many of the men I knew were deputies, because they had attended meetings.

Senator GOLDWATER. Thank you. That is all I had.

Mr. KENNEDY. Were any officials of the Kohler Co. deputized?

Mr. SCHMITZ. Prior to the strike, yes, sir; there were many of them that were deputized. I might add here, sir, that, prior to the strike, we had always, or for quite some time, sent a squad car with either 1 man or 2 along with what they call their Kohler payroll car. The Kohler Co. official and, usually, the chief of police, and often, another man, would come to Sheboygan, go to the bank, and pick up fairly large sums of cash, and we would help escort this Kohler police car back to the plant. That was common practice for years. Some of these Kohler officials, especially those engaged in the carrying of money, were officials, and had been deputy sheriffs under different administrations for some time.

Mr. KENNEDY. And they remained deputies during this period?

Mr. SCHMITZ. For quite a while they did, sir; yes.

Mr. KENNEDY. Did that include any of the top officials of the company?

Mr. SCHMITZ. I am not sure of all of them, sir, but there were a few of them that were; yes; I would say top officials, quite well up there.

Mr. KENNEDY. Were those deputy badges revoked at all?

Mr. SCHMITZ. Later on they were, sir.

Mr. KENNEDY. At whose suggestion were they revoked?

Mr. SCHMITZ. The sheriff revoked the badges. He asked for the return of them.

Mr. KENNEDY. Was that your recommendation?

Mr. SCHMITZ. Yes, sir.

Mr. KENNEDY. You recommended that the badges of the Kohler officials who had been deputized be revoked; is that right?

Mr. SCHMITZ. Yes, sir.

Mr. KENNEDY. For what reason did you do that?

Mr. SCHMITZ. Well, sir, at that time, feeling was running awfully high out there at the lines, and we had received information, the sheriff had received information, that there was gas and gas guns in the Kohler plant. Naturally, I was worried; I was out on this picket line, as I stated before, with just a few uniformed men, and, most of all, I was worried about these citizens who were good enough to come there in the morning for a couple of hours with very little pay and try to assist us in maintaining order. I did not want to see any of them hurt. I went to the district attorney and asked what could be done to relieve this danger, which I felt was a danger, this gas in the Kohler Co.

Mr. KENNEDY. Did they have gas guns, also?

Mr. SCHMITZ. Yes, sir.

Mr. KENNEDY. And you were worried about their use; is that right?

Mr. SCHMITZ. I was afraid that if anyone in there would use them on this picket line—I had no reason to believe that they would, but, at the same time, had anyone used them, I was afraid it was the temper of that crowd that they would undoubtedly cause an awful commotion out there. As I stated before, these men that we had out there, our uniformed men, were allowed, they wore their guns and had their blackjacks, which they ordinarily wear; an officer is undressed unless he does wear them.

But the plainclothes men, the citizens who came there to help us, they didn't have anything to protect themselves. Some of them might have had a billy; I don't know. To my knowledge, they didn't have that. I didn't want any of them hurt, or any of these people that were attempting to go to work, or any of the people that were on this picket line. I felt that it was our duty to try to see that no one got hurt out there, and that is what we tried to do; at least I did to the best of my ability.

Mr. KENNEDY. Did you learn when the company acquired the guns and the gas?

Mr. SCHMITZ. We were told by the party that sold the gas to them, because the Sheboygan County also bought an additional supply of gas. We had gas there. We had long-range gas shells. We had short-range gas guns, and we had canister tear gas, all tear gas, in case anything would break loose at any time. We had that there for years. In case you had serious trouble, we would have something

to disperse the crowd and give us time to get in more help and get organized.

When I went to the district attorney, he said the only way they could get the gas out would be to have a John Doe hearing, but, first, that the cards, the deputy cards, would have to be revoked. Otherwise, they would have a perfect right, as deputy sheriffs, to have this gas there.

Mr. KENNEDY. Was Mr. Kohler a deputy sheriff?

Mr. SCHMITZ. Mister who?

Mr. KENNEDY. Kohler, himself?

Mr. SCHMITZ. Not to my knowledge. I wouldn't know, sir. You would have to ask the sheriff.

Mr. KENNEDY. Mr. Conger?

Mr. SCHMITZ. Not to my knowledge.

Mr. KENNEDY. The badges you revoked; were they revoked from Mr. Conger or Mr. Kohler?

Mr. SCHMITZ. Not Mr. Conger or Mr. Kohler. I believe Mr. Ireland was one. I am not sure about Mr. Beaver, but I think he was also a deputy of Mr. Mosch.

Mr. KENNEDY. Did you get the gas and the gas guns out of the plant?

Mr. SCHMITZ. Yes, sir; there was a John Doe hearing, and they were removed.

Mr. KENNEDY. On whose orders were they removed?

Mr. SCHMITZ. I believe the district attorney. I am not just sure. The district attorney conducted the hearing, sir.

Mr. KENNEDY. Did you learn that they had any other guns, other than those in there?

Mr. SCHMITZ. Not to my knowledge, sir.

Mr. KENNEDY. You never learned anything about it?

Mr. SCHMITZ. I didn't, sir; no. This was a secret John Doe hearing and I never was told anything that had gone on in the hearing. The only thing I know is what I actually testified to, myself?

The CHAIRMAN. You spoke about them being deputies and, as deputies, they had a right to have the gas and the weapons. Is that correct?

Mr. SCHMITZ. That is what the district attorney told me, sir.

(At this point, Senator Curtis entered the hearing room.)

The CHAIRMAN. Do you have any information as to whether they had this gas and guns in the regular course of their duties, or if it was a special arrangement so they would have it for this particular purpose, a strike?

Mr. SCHMITZ. I don't know, sir.

The CHAIRMAN. You have no knowledge about that?

Mr. SCHMITZ. No, sir.

The CHAIRMAN. You have no knowledge of whether they had acquired the gas and the guns in their capacity as deputy sheriffs, primarily, or whether they had acquired it in preparation for anticipated trouble by reason of the strike?

Mr. SCHMITZ. Do you mean by that, sir, whether they had the permission of the sheriff, as deputy sheriffs, to have the gas?

The CHAIRMAN. I don't know whether they have to have permission.

Mr. SCHMITZ. I wouldn't know, sir.

The CHAIRMAN. The question I am trying to settle is whether it could be possible—I don't even say it is probable, and I don't know—whether, in the course of their services as deputy sheriffs, they might acquire and have in their possession gas and guns for any emergency that might arise, an unanticipated emergency, or whether they acquired this equipment and these arms by reason of the fact that they wanted to have them to use in this strike difficulty, if the occasion arose.

Mr. SCHMITZ. I couldn't tell you, sir.

The CHAIRMAN. You have no knowledge about that?

Mr. SCHMITZ. Not of my own personal knowledge; no, sir.

The CHAIRMAN. Is there anything further?

Senator ERVIN. I have a question.

The CHAIRMAN. Senator Ervin.

Senator ERVIN. You agree with me in the observation that peace officers, such as yourself and others on this occasion, have a tremendous responsibility under such conditions. In other words, you do not have enough force to control the thing absolutely, and you have to not only be firm but you have to be sort of diplomatic.

Mr. SCHMITZ. That's right, sir.

Senator ERVIN. In a sense, you are sitting on a powder keg which any little act might cause to explode.

Mr. SCHMITZ. That is true, sir.

Senator ERVIN. There were houses around this plant, were there not?

Mr. SCHMITZ. Yes, sir.

Senator ERVIN. And, if there had been any occasion that would have brought the use of firearms into play, it would have been quite possible that innocent women and children in the homes would have suffered.

Mr. SCHMITZ. Very likely, sir. Not only that, but, usually, on the opposite side of the street there were often spectators, people from the village or maybe people from outside the village. Speaking of the tension, sir, I would like to say at this time I have had just a little experience when you have a group like this together.

In World War II, I served in Italy, with the 81st Infantry Division. At the end of the war, we were placed in control of the Trieste area, which, I think, many of you remember Tito was trying to take over, and we had occasion there to run into mobs, attempting to take over. In fact, one was at Gorizia, a town about the size of Sheboygan, about 45,000. We had about 5,000 people move in on us there. But that was a little different situation over there. You could use whatever means you had to repel them, to get them out.

And we had the force to do it. But on this occasion, sir, I didn't feel that it was proper for me to do anything which might start trouble there, which, with the small force I had, I would be unable to handle, and many innocent people could be hurt.

Senator ERVIN. Whenever an event like this happens, and it drags out, and you have the tension, hatred, and ill will built up on both sides, it is an extremely dangerous situation in that a group of people on the spur of the moment, irritated by some disagreement, real or fancied, are likely to turn into a mob and do things which, as individuals, they would never consider doing; isn't that true?

Mr. SCHMITZ. That is true, sir.

The CHAIRMAN. I hand you herewith a photostat copy of the letter dated May 21, 1954, addressed to Mr. Lyman C. Conger, of the Kohler Co., Kohler, Wis., and it is written in the name of Theodore Masch, sheriff of Sheboygan County. I will ask you to examine it, and I am not sure whether you have ever seen it before, and I will ask you to examine it and see if you can identify the letter.

(A document was handed to the witness.)

(Members present are: Senators McClellan, Ervin, Mundt, Curtis, and Goldwater.)

Mr. SCHMITZ. No, sir; I have never seen that letter, although I did know that a letter of that kind was going to be written.

The CHAIRMAN. You can't, yourself, identify it?

Mr. SCHMITZ. I never saw the letter.

The CHAIRMAN. I hand you here what purports to be photostatic copies of six deputy-sheriff commissions, and I will ask you to examine those and see if you are familiar with them.

Mr. SCHMITZ. No, sir; I did not see any of that.

The CHAIRMAN. Would you state, or can you state, whether you have ever seen deputy-sheriff-commission cards before in your county?

Mr. SCHMITZ. Yes, sir; I have seen the deputy-sheriff cards, many of them, sir.

The CHAIRMAN. You recognize those?

Mr. SCHMITZ. Those are deputy-sheriff cards, and they are authorized deputy-sheriff cards, or a photostat of them.

The CHAIRMAN. I am trying to determine that, even though you know that is the form of card used there, you don't identify those cards, and you never saw those?

Mr. SCHMITZ. I did not see these particular cards, sir. As I stated before, I was pretty sure Mr. Beaver and Mr. Ireland and Mr. Buffington, I forgot to mention him, also were deputies. But I did not know about the rest of them. As I stated before, I have never seen a complete list of the deputies.

The CHAIRMAN. I think we can get them in the record later, but I did not know whether you could identify them or not.

Mr. SCHMITZ. I am afraid I could not.

The CHAIRMAN. They will be withheld for the present.

Senator MUNDT. You said several time that you had a comparatively small law-enforcement force?

Mr. SCHMITZ. On the job, and I don't think that we have ever spelled out just now large or how small it was. Would you tell us that for the record?

Mr. SCHMITZ. Sir, we had 12 uniformed officers.

Senator MUNDT. In the sheriff's department?

Mr. SCHMITZ. That is right, sir.

Senator MUNDT. And how many deputies?

Mr. SCHMITZ. Full-time deputies, we had one, who was really a process server. We had the sheriff and myself.

Senator MUNDT. That is 14 or 15?

Mr. SCHMITZ. Fifteen altogether. Of course, sir, the regular duty had to be taken care of by this same force. The uniformed men, sir, are really traffic officers, and patrol our county.

Senator MUNDT. You had 15, and that does not include the police officers. Could you tell us from your knowledge how many of those there are?

Mr. SCHMITZ. How many police officers from Kohler Village?

Senator MUNDT. Who were trying to keep order.

Mr. SCHMITZ. We don't have those. That is all we have of full-time officers in Sheboygan County. I think ordinarily the Kohler Village has four full-time officers or they did have at the time, and their force may be larger now.

Senator MUNDT. That would make 19?

Mr. SCHMITZ. Full-time officers, yes, sir.

Senator MUNDT. Now, you said you deputized a lot of good citizens who came down in the morning and worked during the critical hours as deputies?

Mr. SCHMITZ. Not a lot, sir.

Senator MUNDT. You said you had some.

Mr. SCHMITZ. We had some and it was very hard to get anyone to serve.

Senator MUNDT. How many did you have?

Mr. SCHMITZ. I think that I stated before that 15 to 18, I believe, was about the most that we had out there any one morning. I may be wrong on that, and there may have been a few more than that out there, and I would not want to say definitely that there was only 15 or 18, but to the best of my recollection that would be about all.

Senator MUNDT. So that assuming all of the people who were in uniform were there, and the deputies, you had about 37 law enforcement officials.

Mr. SCHMITZ. That could be about right, sir.

Senator MUNDT. At the site, is that right?

Mr. SCHMITZ. That is about right, I believe.

The CHAIRMAN. Do you know, Mr. Schmitz, of any tear gas at any other plant in the county other than Kohler's?

Mr. SCHMITZ. No, sir.

The CHAIRMAN. You never had any complaint or any notice that there was?

Mr. SCHMITZ. No, sir.

The CHAIRMAN. No such matter ever came to your attention at any time?

Mr. SCHMITZ. No, sir.

The CHAIRMAN. Did you arrest any nonstrikers?

Mr. SCHMITZ. I did not personally, but my men did.

The CHAIRMAN. How many nonstrikers did you arrest?

Mr. SCHMITZ. I could not tell you exactly, sir; as I stated before; I did not have the records, but I noticed, I believe, that the committee here had some of the warrants here that I recognize, as nonstrikers, and I recognize the names of a couple of our officers as being on the complaint sheet.

Whenever there was a fight or if there was any extreme pushing where they pair off two men, as a general rule they both were arrested, whether it was a striker or nonstriker.

The CHAIRMAN. In other words, there were nonstrikers arrested as well as strikers?

Mr. SCHMITZ. That is right, sir.

The CHAIRMAN. And where they got into a personal physical difficulty, such as pushing or fighting, you just arrested both of them? Was that your policy?

Mr. SCHMITZ. That is right. We arrested both of them and got them out of there as soon as possible so as not to stir up the rest of them. That was the main reason, to get them out of there as soon as possible.

The CHAIRMAN. You don't know whether any of the nonstrikers were fined or convicted or not?

Mr. SCHMITZ. I don't have any of those records, sir.

For your information, sir, toward the end of 1954, I was not feeling too well and I went to the hospital for a complete physical checkup.

The CHAIRMAN. I can imagine that you might need it after the experience.

Mr. SCHMITZ. Well, sir, we have in our county, a very fine TB sanitarium, and it is the policy in the county whenever you enter a hospital now before you leave you receive a chest X-ray, and this chest X-ray of mine eventually put me in the Rocky Knoll Sanitarium for tuberculosis for 17 months.

When I went there I did not realize that I was going to be gone for any lengthy period, and so I did not have any of my records, and my stuff was still in my desk drawer, and before I ever got out of there, of course, there were other men in the sheriff's office and I don't know what happened to them.

The CHAIRMAN. And you had no chance to preserve your records or to follow through on these matters?

Mr. SCHMITZ. That is right. I am trying to tell you what I know from memory.

The CHAIRMAN. I understand.

All right, thank you very much, call the next witness.

Mr. KENNEDY. Sheriff Mosch.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate Investigating Committee shall be the truth, the whole truth, and nothing but the truth, so help you God.

Mr. MOSCH. I do.

TESTIMONY OF THEODORE J. MOSCH

The CHAIRMAN. State your name, and your place of residence, and your business or occupation?

Mr. MOSCH. Theodore J. Mosch, 804 Spring Avenue, Sheboygan, Wis., occupation at the present time is that of operator of a bowling alley.

The CHAIRMAN. Do you waive counsel?

Mr. MOSCH. I do, sir.

The CHAIRMAN. You are a former sheriff of Sheboygan County?

Mr. MOSCH. That is right.

The CHAIRMAN. When did your term of office expire?

Mr. MOSCH. My term of office expired January 7, 1957.

The CHAIRMAN. When did it begin or when did you first become sheriff?

Mr. MOSCH. I first became sheriff January 1, 1945.

The CHAIRMAN. You served only 2 years?

Mr. MOSCH. I served two terms, and then ran again for office in 1952.

The CHAIRMAN. I think you said 1945, I am sorry. It was 12 years?

Mr. MOSCH. I have had 4 successful terms, 2 years each.

The CHAIRMAN. In other words, you served a total of 8 years, between 1945 and 1957?

Mr. MOSCH. That is right.

The CHAIRMAN. You were out part of the time, and part of the time you were sheriff?

Mr. MOSCH. That is right.

Mr. KENNEDY. You also hold several other positions, do you, at the present time?

Mr. MOSCH. I do.

Mr. KENNEDY. What are the other positions?

Mr. MOSCH. Since I left the office of sheriff, I have been elected to the county board of supervisors, Sheboygan, representing the 4th ward, city of Sheboygan.

I am also appointed to the selective service board, appointed by the Governor.

Mr. KENNEDY. You were sheriff during the period of the mass picketing at the Kohler plant?

Mr. MOSCH. I was, sir.

Mr. KENNEDY. And you had certain responsibilities in that area?

Mr. MOSCH. I did have.

Mr. KENNEDY. During that period of time?

Mr. MOSCH. Yes.

Mr. KENNEDY. Is that correct?

Mr. MOSCH. Yes.

Mr. KENNEDY. Now, during the time that the picketing was going on, how many assistants or deputies did you have?

Mr. MOSCH. I had the under sheriff, Larry Schmitz.

Mr. KENNEDY. Just how many, approximately?

Mr. MOSCH. Twelve traffic officers, uniformed men.

Mr. KENNEDY. And was that to cover the whole county of Sheboygan?

Mr. MOSCH. That is right.

Mr. KENNEDY. And how many did you assign to the Kohler strike?

Mr. MOSCH. I took all of the 12 men, plus some of the turnkeys that I had in the office, and the bookkeeper, and myself.

Mr. KENNEDY. Now, when the strike was going on, and the non-strikers were unable to get through the picket line, why didn't you take some steps to permit these people who wanted to go to work, to go to work in the Kohler Co.?

Mr. MOSCH. We tried our best.

Mr. KENNEDY. What was your best, and what steps did you take?

Mr. MOSCH. Well, we deputized some officers and of course they were not trained, and a lot of men refused to be deputized, remembering the 1934 strike, and didn't want any part of it.

Mr. KENNEDY. Meaning what, in 1934? Were there people who were killed?

Mr. MOSCH. In 1934 they had a strike with 2 people killed and about 37 shot.

Mr. KENNEDY. There were individuals who did not want to get mixed up in the operation again?

Mr. MOSCH. That is right. And as soon as the Kohler strike threatened, the fear went through the community, and that was my great-

est worry. And I didn't want to have any bloodshed, and I tried to get as many deputies as I possibly could.

Mr. KENNEDY. What steps did you take to get more people to assist you in opening up the picket line so that these people could go to work?

Mr. MOSCH. I called the neighboring county to see if I could get officers, and I couldn't get any over there. We deputized various men, and I believe we had about 25 or 28, maybe up to 40 total, all told.

We got out there in the morning and tried to get the fellows through, and there was pushing back and forth.

Senator CURTIS. Would you describe what would happen when you tried to get someone through the picket line.

Mr. MOSCH. We tried to get some through the picket line, and the pickets would close in and they would push one way and we would be pushing the other, and we couldn't get through at all.

Senator CURTIS. Would that happen when they were accompanied by an officer of the law?

Mr. MOSCH. It would.

Senator CURTIS. Did it happen when you accompanied someone who wanted to get through the picket line?

Mr. MOSCH. It did.

Senator CURTIS. What did you say to them, and perhaps not to exact words, and you may not remember, but how did you proceed to get them to open up the picket line?

Mr. MOSCH. I told the fellows, "Come on, let us open up and get these boys through." At times they would go to work and say, "Well, come on, get them through," and they would spread apart and when we would get closer, the line would close up and we were trapped right in between.

Senator CURTIS. Then what would happen?

Mr. MOSCH. We would be pushed back again, and it would be continuous.

Senator CURTIS. In what manner would they be pushed?

Mr. MOSCH. The pickets would be pushing and we would be trying to get the boys through that were Kohler workers.

Senator CURTIS. Did any of that pushing result in violence, at any time that you were there, anything beyond just pushing someone back?

Mr. MOSCH. No one exactly got hurt. Some of my deputies went down.

Senator CURTIS. Some of your deputies were pushed down?

Mr. MOSCH. That is right.

Senator MUNDT. Did you get any workers through at all?

Mr. MOSCH. No, sir.

Senator MUNDT. You did not get any through?

Mr. MOSCH. No.

Senator CURTIS. And you tried a number of times?

Mr. MOSCH. Yes, sir.

Senator CURTIS. Over how long a period did you try?

Mr. MOSCH. Up until the injunction went into effect.

Senator CURTIS. They did not open up anymore due to the fact that officers were with them than if the men tried it alone, is that true?

Mr. MOSCH. That is true.

Senator CURTIS. Did anyone ever strike any officers?

Mr. MOSCH. I didn't understand the question.

Senator CURTIS. Were any of the officers ever struck by anyone out there, or molested?

Mr. MOSCH. Not to my knowledge.

Senator CURTIS. But 1 or 2 deputies were pushed down, is that right?

Mr. MOSCH. Yes.

Senator CURTIS. Over how long a time did this take place?

Mr. MOSCH. From the beginning of the strike until the injunction was served and they were compelled to open the line.

Senator CURTIS. How long have you lived in that county?

Mr. MOSCH. All of my life, sir.

Senator CURTIS. Do you know many of the people?

Mr. MOSCH. I do.

Senator CURTIS. Do you know a great many of the Kohler workers by sight, at least, and you recognize them as local people, do you?

Mr. MOSCH. Yes.

Senator CURTIS. Now, did you see many people in that picket line that, in your opinion, were not residents of the local community, or employees of Kohler?

Mr. MOSCH. I did.

Senator CURTIS. How many were there?

Mr. MOSCH. I would say approximately 10, or 12, or 13, or somewhere in there, who were strangers to me.

Senator CURTIS. Did you ever see more than that?

Mr. MOSCH. No, not to my knowledge.

Senator CURTIS. Were they the same people there every day?

Mr. MOSCH. Practically, yes.

Senator CURTIS. Did you ever learn who they were?

Mr. MOSCH. I did later on.

Senator CURTIS. Who were they?

Mr. MOSCH. I remember some of the names. There was Guy Barber, Fiore, and Mr. Rand, and Mr. Burkhart, and Mr. Vinson.

Senator CURTIS. Was Emil Mazey there?

Mr. MOSCH. I don't know him.

Senator MUNDT. Could you give us any more identification of these? There are just names out of a book to me; that is, these names you just mentioned.

Do you know who they were, and where they came from, and who they represented?

Mr. MOSCH. Later on, at the beginning of the strike I didn't know, later on I found out.

Senator MUNDT. On the basis of your present knowledge, could you tell us who they were?

Mr. MOSCH. I understand they were international representatives.

Senator MUNDT. From Detroit?

Mr. MOSCH. Yes, sir.

Senator CURTIS. That is all for the present.

Senator MUNDT. That is all.

Mr. KENNEDY. You did not see hundreds of outsiders who were carrying on the picketing then?

Mr. MOSCH. There were a lot of pickets there, but I did not know who they were.

Senator CURTIS. Now just a minute. Do I understand that the number of people that you did not recognize as being local folks was about 10 or 12, or was it more than that?

Mr. MOSCH. There were quite a few I didn't know on the picket line, and there has been quite a few I did know.

Senator CURTIS. I am not arguing with your answer, but I want to make sure I understand it. Is it your opinion that they were all local people, except 10 or 12, or that there were, at times, greater numbers?

Mr. MOSCH. There might have been up to 18, I am not sure, but I knew most of the members on the picket line, who they were, and their community.

Mr. KENNEDY. Now, the instructions that you had from the district attorney was that you were obligated to take people up to the picket line but not through the picket line, is that right?

Mr. MOSCH. That is correct.

Mr. KENNEDY. Did you ever go to anyone to try to get more deputies or more help to open up the picket line?

Mr. MOSCH. I did.

Mr. KENNEDY. Would you tell us who you went to, and what the reaction was, or what advice you got?

Mr. MOSCH. First of all, I went to the sheriff's department in Milwaukee, and I tried to get some advice on how to handle this situation, and they explained to me to hold it as peaceful as we could so no one would get hurt, and not try to use tear gas.

I went to work, and I called the various counties, to see if I could get reinforcements, and there was only one community in West Benton, where the sheriff is always cooperative, and I called him the night before and I told him if I needed them I would call them. But we were unsuccessful in getting anybody through, and I think the most deputies we had was about 40 out there.

Mr. KENNEDY. Who else did you go to, sheriff? What else did you do?

Mr. MOSCH. I went to the Governor of the State.

Mr. KENNEDY. How many times did you go to the Governor of the State?

Mr. MOSCH. One time I went to his home. I had the chief deputy with me. He stayed out in the car. I told the Governor that it was a serious situation, that I was greatly worried about it.

Mr. KENNEDY. What was the Governor's name at that time?

Mr. MOSCH. Walter Kohler. He asked me, he said, "Are you using any firearms or anything," and I said "No," and he said, "Well, don't use them."

Mr. KENNEDY. Did you ask him for any help or assistance?

Mr. MOSCH. He told me that he couldn't do anything until all the resources in the community had been exhausted.

Mr. KENNEDY. What did you ask him to do? Did you speak to him about the National Guard?

Mr. MOSCH. I did.

Mr. KENNEDY. And he said you had to exhaust all the resources——

Mr. MOSCH. All the resources in the community.

Mr. KENNEDY. Did you go back and see him again?

Mr. MOSCH. Later on I went back with Chief Capelle. We went to Madison.

Mr. KENNEDY. When was the first time you went to see the Governor?

Mr. MOSCH. At the beginning of the strike. I don't know the exact date.

Mr. KENNEDY. Is Governor Kohler related to the Kohler of the Company, Kohler of Kohler?

Mr. MOSCH. I understand so, but I do not know the relationship.

Mr. KENNEDY. You went to see him once at the beginning of the strike? Did you go to see him again?

Mr. MOSCH. Chief Capelle and I went to Madison.

Mr. KENNEDY. Chief Capelle is the chief of police of Kohler Village; is that right?

Mr. MOSCH. Yes, sir.

Mr. KENNEDY. Recite what happened.

Mr. MOSCH. Then we had a conference, and it was about the same thing again. We didn't get any help from the National Guard.

Mr. KENNEDY. What advice did he give you?

Mr. MOSCH. The same as before.

Mr. KENNEDY. What?

Mr. MOSCH. To try to exhaust all the resources in the community.

Mr. KENNEDY. What did he say about using any arms or trying to open it up with tear gas or anything like that?

Mr. MOSCH. No.

Mr. KENNEDY. He said you should not do that?

Mr. MOSCH. I don't remember about tear gas. I don't remember him saying that.

Mr. KENNEDY. But he said that no arms should be used?

Mr. MOSCH. That is right.

Mr. KENNEDY. Had you already made up your mind that you were not going to use arms?

Mr. MOSCH. I already had made up my mind that I wouldn't use any firearms.

Mr. KENNEDY. Because of what reason?

Mr. MOSCH. Because of the reason of the 1934 strike. That still carries a memory in my heart, and I believe, according to my own belief, and my own knowledge, I was worried about the strike. Perhaps I did make some mistakes, but I am here to admit them, if I did. Second guess is always better. But I was absolutely worried, and I am telling you this much. At the beginning of the strike, I even became rather ill and I put my under sheriff in charge for a few days.

Mr. KENNEDY. Was there ever any suggestion that you use any firearms?

Mr. MOSCH. At one time—well, I received a letter, if I may read it—

The CHAIRMAN. Identify the letter first. Who is it from? Who is the letter from?

Mr. MOSCH. From the chairman of the Republican Party.

The CHAIRMAN. Let me see the letter.

(Document handed committee.)

The CHAIRMAN. Gentlemen, would you like to see this?

Senator GOLDWATER. I do not know. I will look at it.

Senator MUNDT. Mr. Chairman, I see no reason it should not be read into the record.

The CHAIRMAN. All right. If there is no objection to it, Mr. Witness, you may continue your testimony.

(Document handed witness.)

The CHAIRMAN. The letter is from whom?

Mr. MOSCH. Robert W. Haynes, chairman, Republican Party of Sheboygan County.

The CHAIRMAN. The letter is addressed to you?

Mr. MOSCH. That is right.

The CHAIRMAN. What is its date?

Mr. MOSCH. It states:

Mr. THEODORE MOSCH,
Sheboygan County Sheriff,
Sheboygan County Courthouse,
Sheboygan, Wis.

DEAR TED: You, as the chief law enforcement officer of the county, are responsible for maintaining law and order so that individuals may peaceably go about their business without fear of violence or interference from any source. In a labor dispute, the law protects the right of individuals either to strike or to continue working. It gives to strikers the right to picket peacefully and to others the right to go to work without being hindered or prevented by threats, intimidation, force, or coercion from any source. You have been advised by the district attorney in a written opinion that it is your duty to protect these rights. To date you have taken no effective action.

The executive committee of the Republican Party expects officers who are elected under its banner to do their sworn duty according to law without fear or favor. The committee requests a prompt reply from you as to your position and intentions.

Sincerely yours,

ROBERT W. HAYNES, *Chairman.*

The CHAIRMAN. Did you reply to that letter?

Mr. MOSCH. I did not.

The CHAIRMAN. I do not know the operations of politics out there, but I did not know that a Republican or Democratic committeeman had any official position as such with respect to law enforcement. Did you?

Mr. MOSCH. Would you repeat that, please?

The CHAIRMAN. I do not know about the laws of Wisconsin, but I would not think that a mere chairman of a party, either Democrat, Republican, or some other, had any responsibility, as such, with regard to law enforcement. Do you know?

Mr. MOSCH. No, I don't.

The CHAIRMAN. I am sure everybody wanted and desired that peace be maintained and order kept.

Are there any questions about it? What was the reason for you mentioning the letter?

Mr. MOSCH. Well, at a later date he arrived at my office and talked to me.

The CHAIRMAN. Who did?

Mr. MOSCH. Mr. Haynes.

The CHAIRMAN. What official authority has he, any more than an official position in a political party?

I am trying to relate his activities to some official duty or official position.

Mr. MOSCH. Then what happened was—he wanted to know why the reply wasn't there, and I just told him I didn't feel like answering.

He told me it was about time I opened up that line. He said, "You have the authority to use firearms," he says, "and use them."

The CHAIRMAN. Are you a Republican?

Mr. MOSCH. Well, I was until they bounced me out.

The CHAIRMAN. I see. I did not know anyone could be bounced out of a party. I thought they could belong to it if they wanted to. They tried to kick some of us out for a long time down South, but they have not been able to do it.

Mr. MOSCH. I had no choice. I absolutely was barred.

The CHAIRMAN. You had been advised, and you had been given it from that source, to use firearms to force an entrance into the plant; was that the purpose of it?

Mr. MOSCH. That is right.

The CHAIRMAN. And you declined to do it?

Mr. MOSCH. Right.

The CHAIRMAN. You never had any advice to do that from any authoritative source, so far as having a responsibility under law and official duty; did you?

Mr. MOSCH. No.

Senator MUNDT. Why were you bounced out of the party, since you mentioned that?

Mr. MOSCH. Well, the way I mentioned that is, they had a banquet right before the election, and my under sheriff was running for sheriff under the Republican ticket. He bought four tickets in order to go to the banquet. When he bought the four tickets, Mr. Haynes asked him, he says, "Have you any intention of taking the sheriff and his wife?" and he said, "If you have," he says, "that is out."

Senator ERVIN. Do you mean to tell me that they refused to allow you to even break bread with the party to which you had theretofore given your allegiance because you would not take the suggestion of the county chairman that you use firearms to open the picket line?

Mr. MOSCH. I believe that is true, sir, and I stood by my guns. If the Republicans do not want me, perhaps the Democrats will. I don't know.

Mr. KENNEDY. But you refused to use firearms?

Mr. MOSCH. That is true.

Mr. KENNEDY. And that was, again, because of what you knew about the number of people that had been killed and wounded in the strike at the Kohler plant in 1934?

Mr. MOSCH. That is right.

Mr. KENNEDY. You received financial assistance from the UAW, did you not, in that election in 1954?

Mr. MOSCH. I received that later in the fall of the year. We had what they called a Mosch for Sheriff Club, and at that time there was \$300 turned over to the club, which was given me from Mr. Grasskamp, and I turned it over to the club.

Perhaps at this time, thinking it over, it might have been improper. But I am here to tell the truth and leave the chips fall wherever they may.

Mr. KENNEDY. And you received \$300 from the president of the UAW local?

Mr. MOSCH. I did, sir.

Mr. KENNEDY. And was this at a period of time where there was a dispute going on between the UAW and the Kohler plant?

Mr. MOSCH. This was after the lines were opened, and it was right before the fall election.

Mr. KENNEDY. It was after the picket lines were opened, is that right?

Mr. MOSCH. Yes, sir.

Mr. KENNEDY. But there was still violence going on, and still bad feeling between strikers and nonstrikers, is that correct?

Mr. MOSCH. That is right.

Mr. KENNEDY. Did you feel it was proper to take \$300 from one of the participants in this very bitter controversy?

Mr. MOSCH. At this time I realize perhaps I made a mistake.

(At this point, Senator Ervin withdrew from the hearing room.)

Senator CURTIS. How was that \$300 paid?

Mr. MOSCH. In cash.

Senator CURTIS. Who gave it to you?

Mr. MOSCH. The president of the local.

Senator CURTIS. What did he say when he gave it to you?

Mr. MOSCH. That it was a donation for my campaign.

Senator CURTIS. Did he say how much it was?

Mr. MOSCH. Three hundred dollars.

Senator CURTIS. Did he do anything else for your campaign?

Mr. MOSCH. The UAW?

Senator CURTIS. I beg your pardon?

Mr. MOSCH. The UAW, do you mean?

Senator CURTIS. Yes.

Mr. MOSCH. Not that I know of.

Senator CURTIS. Did they offer to do anything else?

Mr. MOSCH. Well, it was a group over there, what they called the farm-labor political group, that put an ad in the newspaper, the Sheboygan Press, which I had nothing to do with it, only authorized it.

Senator CURTIS. And some of the UAW people supported that?

Mr. MOSCH. I believe so.

(At this point, Senator Ervin entered the hearing room.)

Senator CURTIS. Who were some of the people that supported that activity that were identified with the UAW; do you know?

Mr. MOSCH. One fellow's name was Carl Kutnec, I believe.

Senator CURTIS. A bit ago there was testimony that, when arrests were made, both strikers and nonstrikers would be arrested. What would the nonstrikers be doing when they would be arrested?

Mr. MOSCH. The nonstrikers?

Senator CURTIS. Yes.

Mr. MOSCH. I don't recall.

Senator CURTIS. Would it be when they were trying to get through the picket line?

Mr. MOSCH. It could be, or if they would be into some scrap across the street. I couldn't answer that.

Senator CURTIS. You do not know?

Mr. MOSCH. No.

Senator CURTIS. Was it a violation of law for them to try to come to work?

Mr. MOSCH. Do you mean the Kohler workers?

Senator CURTIS. Yes.

Mr. MOSCH. No; it was not.

Senator CURTIS. The mass picketing was against the law?

Mr. MOSCH. Yes.

Senator CURTIS. That is all.

Senator MUNDT. Mr. Mosch, when you received the \$300 for your campaign, was that before or after you were bounced out of the Republican Party?

Mr. MOSCH. What was that?

Senator MUNDT. When you received the \$300 that you mentioned, that you said you are sorry you took from the UAW, was that before or after you were bounced out of the Republican Party?

Mr. MOSCH. I am not sure if it was before or after. I couldn't answer that. The \$300 was given in the fall of the year.

Senator MUNDT. You have me a little confused. You said that this banquet where they closed the door on you—

Mr. MOSCH. I think that was after.

Senator MUNDT. You said you were going to be invited by your under sheriff, who was running for sheriff. Were you also running for sheriff? Were they having two sheriffs?

Mr. MOSCH. No. Under State law, we can only succeed twice. I was unable to succeed myself again.

Senator MUNDT. So, your under sheriff, was that Mr. Schmitz?

Mr. MOSCH. No. That was Mr. Federwisch.

Senator MUNDT. Anyhow, he was running for office for sheriff?

Mr. MOSCH. That is right.

Senator MUNDT. They were paying you \$300 for what? I thought you were running, also.

Mr. MOSCH. That was in 1954, in the fall of 1954.

Senator MUNDT. You took the money in 1954?

Mr. MOSCH. In the latter part of 1954.

Senator MUNDT. When were you bounced out of the party?

Mr. MOSCH. That was after that.

Senator MUNDT. In 1956?

Mr. MOSCH. I believe it was in 1956.

Senator MUNDT. Was there any relationship between your taking that money and your getting bounced out of the party?

Mr. MOSCH. I don't know. I suppose it could be.

Senator MUNDT. It could be, could it not? Well, O. K.

Senator GOLDWATER. Mr. Chairman.

The CHAIRMAN. May I say the witness has admitted receiving the money. To get your dates in proper perspective, according to the records, the minute records, of local 833, a motion was made at the meeting on September 9, 1954, for the \$300 to be donated, or to request permission from the director of region 10 for them to make the donation. That motion passed unanimously at that time. It must have been sometime after September.

Senator MUNDT. I think that jibes with the witness' statement that he got the money in 1954 and was kicked out of the party in 1956.

The CHAIRMAN. This may be admitted into the record later, if anybody wants it, but it corroborates what the witness was saying.

Senator GOLDWATER.

Senator GOLDWATER. I had one question on this whole point. Sheriff, how much money does it take to run for sheriff in Sheboygan County?

Mr. MOSCH. In the last campaign, the total amount, with the club and myself, was about \$1,100 or \$1,000.

Senator GOLDWATER. So, about 30 percent of the money came from the UAW?

Mr. MOSCH. The club had \$600, and \$300 of that came from the UAW.

Senator GOLDWATER. About \$1,000 to \$1,100 expenditure, and \$300 of it came from one source, the UAW local?

Mr. MOSCH. Yes.

Senator GOLDWATER. Thank you.

Senator MUNDT. Before we leave the money, Mr. Chairman, actually, our friend, the witness, got \$500, rather than \$300, because the minutes of this motion on September 9, 1954, the minutes of local 833 of the Kohler UAW-CIO carry the motion that you have been discussing for the \$300 to be given direct to Mr. Mosch. Preceding that, PAC Chairman John M. Martin recommended that the sum of \$200 be allowed for his committee out of the PAC fund for the purposes of mailing out literature in support of the reelection of Theo Mosch as sheriff of Sheboygan County. Actually, you got \$300 directly. Two hundred dollars did not come to you, but was used to mail out literature.

Mr. MOSCH. That, I didn't see.

Senator MUNDT. What was that?

Mr. MOSCH. That, I did not know anything about.

Senator MUNDT. You would not necessarily know about that, but I wanted to get the record complete, so it would not look as though you falsely testified.

Mr. KENNEDY. Sheriff, prior to this election in 1954, had you received any support from labor officials or labor unions?

Mr. MOSCH. I have always had the support of labor in our community, due to the fact that in 1942 I went to all the defense plants, starting with the Kohler Co., and fingerprinted all the employees. From there I went to all the large plants in Sheboygan County and fingerprinted all of them. It was through friendly contact with working people that I happen to be their choice.

Mr. KENNEDY. So, you had been endorsed by labor prior to this time?

Mr. MOSCH. I have always been a friend of labor.

Mr. KENNEDY. Had you ever received money from the UAW, other than this time?

Mr. MOSCH. Never.

Mr. KENNEDY. You never received it, other than this one time?

Mr. MOSCH. That is right.

Mr. KENNEDY. And that was in the 1954 campaign?

Mr. MOSCH. Right.

Mr. KENNEDY. Did anyone else, other than the party that you mentioned, suggest that you use firearms against the pickets?

Mr. MOSCH. No, sir.

Mr. KENNEDY. No one else suggested it?

Mr. MOSCH. No.

The CHAIRMAN. No one with the Kohler Co. requested you?

Mr. MOSCH. No.

The CHAIRMAN. None of their representatives?

Mr. MOSCH. No.

The CHAIRMAN. Or anyone for them or on behalf of them?

Mr. KENNEDY. You never had a conversation with Mr. Capelle about it?

Mr. MOSCH. Yes; we talked with Mr. Capelle, but that never come to his mind. There was one morning when we were out on the line, and I was talking to the chief, and he mentioned to me, "Perhaps we can do something this morning that would be backed up by tear gas." I said, "We wouldn't want to use that," and he agreed. I never saw any tear-gas guns, and we never did use any.

The CHAIRMAN. Sheriff, would you call what you encountered down there peaceful picketing?

Mr. MOSCH. I do not.

The CHAIRMAN. There was sufficient force used that you could not grant to the workers who wanted to work their right to enter the plant so they might work?

Mr. MOSCH. I did not understand you.

The CHAIRMAN. There was sufficient force used in the picket line by massive assembly, by pushing and shoving, that you were unable to get any workers into the plant during the period of that mass picketing?

Mr. MOSCH. That is true.

The CHAIRMAN. In other words, there was sufficient resistance to prevent those who had the right to enter from entering.

Mr. MOSCH. Right.

The CHAIRMAN. And, as sheriff, you could not do anything about it unless you did resort to stronger force?

Mr. MOSCH. That is right.

The CHAIRMAN. And you did not resort to stronger force. I assume, because you felt like, ultimately, maybe, it would work out and you would avoid bloodshed?

Mr. MOSCH. Right.

Senator MUNDT. Mr. Sheriff, about how many people were trying to get into the plant; how many of the workers, would you say?

Mr. MOSCH. In the early days of the strike, there weren't very many. But as the strike prolonged, then the group got larger.

Senator MUNDT. What would you say as to how large it got?

Mr. MOSCH. Well, one morning I remember about 40 of them come down the street to try to get in, and they couldn't get through, either.

Senator MUNDT. You were never able to get a single worker in?

Mr. MOSCH. That is true. We never could get them through.

Senator CURTIS. I can understand how these workers would be blocked, but what I cannot understand is the refusal of the picket line to let the officers take workers through, their defiance of the duly constituted officers of the law. Did that not surprise you?

Mr. MOSCH. It did.

Senator CURTIS. It is sort of mob violence, is it not?

Mr. MOSCH. I would agree.

Senator CURTIS. Is that the same crowd that contributed to your campaign?

Mr. MOSCH. That is right.

Senator MUNDT. Did you ever make any arrests on the basis that mass picketing was illegal, not because of violence or because of fist-cuffs, but because very active mass picketing was illegal? Was it not?

Mr. MOSCH. That is right.

Senator MUNDT. Did you ever arrest anybody, the leaders or anybody, because they had broken that law?

Mr. MOSCH. There were some arrests made by our department, but I do not know what happened to them.

Senator MUNDT. You did make some arrests simply because there was mass picketing?

Mr. MOSCH. That is right. The undersheriff made some arrests; I think there were about 11 of them, but they were dismissed later on in court.

(At this point, Senator Ervin withdrew from the hearing room.)

Senator MUNDT. On what basis; do you know?

Mr. MOSCH. No; I do not.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Sheriff, you have lived in this county, I think you said, all your life, or a large portion of it?

Mr. MOSCH. All my life.

Senator GOLDWATER. And you testified, too, I believe, that you knew a lot of the people who worked in Kohler. I would assume, then, that you knew a lot of the people who belonged to the local. Am I right in that?

Mr. MOSCH. Yes; I knew some of them that belonged to the local.

Senator GOLDWATER. Would you say from your knowledge of these people, having spent a lifetime with them, that they could have conducted a strike like this without outside guidance?

Mr. MOSCH. I think it would have been better.

Senator GOLDWATER. That does not answer the question.

Do you think, from your knowledge of these people, gained over a lifetime, that they could have conducted a strike like this without outside guidance?

Mr. MOSCH. I do.

Senator GOLDWATER. Do you think they could?

Mr. MOSCH. Yes.

Senator GOLDWATER. Do you think that they did conduct this strike without any assistance or guidance from the outside?

Mr. MOSCH. I did not understand that.

Senator GOLDWATER. Do you understand the first part of the question?

Mr. MOSCH. Would you repeat that, please?

Senator GOLDWATER. Yes. The first part of the question was this: Because of your lifelong knowledge of these people who are members or were members of the union, do you think that they could or would have conducted a strike such as was conducted, without outside guidance?

Mr. MOSCH. Jesus, I don't know. I couldn't answer that.

Senator GOLDWATER. Do you feel there was outside guidance in from Detroit?

Mr. MOSCH. There was.

Senator GOLDWATER. Do you know definitely there were people from Detroit in assisting in the conduct of this strike?

Mr. MOSCH. Yes.

Senator GOLDWATER. Did you mention some of their names earlier?

Mr. MOSCH. I did.

Senator GOLDWATER. Would you recall a few of those at this point?

Mr. MOSCH. Well, there was, I believe, Guy Barber, Fiore, Rand, Burkhart, Vinson.

Senator GOLDWATER. Was Emil Mazey one of them?

Mr. MOSCH. I don't know Emil Mazey.

Senator GOLDWATER. That is all, Mr. Chairman.

The CHAIRMAN. The Chair presents to you a photostatic copy of a letter dated May 21, 1954. It is addressed to Mr. Lyman Conger, and apparently it is a letter from you.

I ask you to examine it and state if you identify it as a carbon copy of the original.

(Document handed witness.)

The CHAIRMAN. Is that correct?

Mr. MOSCH. That is right.

The CHAIRMAN. It may be made exhibit No. 8.

(Document referred to was marked "Exhibit No. 8" for reference and will be found in the appendix on p. 8735.)

The CHAIRMAN. You requested in that letter the return of certain deputy sheriff certificates, did you not?

Mr. MOSCH. I did.

The CHAIRMAN. I hand you here a photostatic copy of what purports to be six such certificates, and I am asking you if those are the ones that you requested the return of, and which were returned to you.

(Document handed witness.)

Mr. MOSCH. They are.

The CHAIRMAN. That may be made exhibit 9.

(Document referred to was marked "Exhibit No. 9" for reference, and will be found in the appendix on p. 8736.)

The CHAIRMAN. Did you receive a reply to your letter to Mr. Conger, from the company?

Mr. MOSCH. I did.

The CHAIRMAN. I hand you what purports to be a photostatic copy of the reply you received. Examine it and see if you identify it.

(Document handed witness.)

Mr. MOSCH. That is the letter I received.

The CHAIRMAN. That may be made exhibit No. 10.

(Document referred to was marked "Exhibit No. 10" for reference, and will be found in the appendix on pp. 8737-8738.)

The CHAIRMAN. Are there any other questions?

Mr. KENNEDY. That is all.

Senator GOLDWATER. Mr. Chairman, might I ask two short questions?

The CHAIRMAN. Yes.

Senator GOLDWATER. Sheriff, how many special deputies did you make after the strike began?

Mr. MOSCH. Offhand, I think about 40. I am not sure.

Senator GOLDWATER. About 40. Were any of these strikers?

Mr. MOSCH. Well, we had no strikers on the picket line, but I believe there might have been 1 or 2 that we used at night patrolling the highway. The reason for that was the chairman of our committee, his brother was out of work, and the chairman came to me and asked me if his brother couldn't patrol with one of the uniformed men, and I said "Yes."

Senator GOLDWATER. Thank you.

The CHAIRMAN. The representative of the union requested the Chair to ask these questions. I will pass them to the members of the committee. I see nothing wrong with them, but I want the committee to approve them. There is one that I can ask you because it already appears here.

You did remove the deputy's badge of Mr. Herbert Kohler, because that is shown on your certificate here.

Mr. MOSCH. I did.

The CHAIRMAN. It is included in the exhibit 9 of your testimony.

Mr. MOSCH. Right.

The CHAIRMAN. Why did you take up all these certificates? Was there any other reason other than what you expressed in your letter?

Mr. MOSCH. One Sunday night there was some trouble over at the main gate in the village of Kohler, and one of my deputies reported to me—I wasn't there, I didn't see it, but he reported to me that Mr. Kohler was out with a group of his men with clubs, and they almost had trouble out there in front of the main gate at the employment office. The next morning I spoke with my under sheriff, and talked to him. I was afraid that things were going to get out of hand. So after discussing with Larry Schmitz, under sheriff, I thought the best thing to do was to remove the deputy cards.

The CHAIRMAN. When did you remove the tear gas, before or after the cards?

Mr. MOSCH. The tear gas was removed, I believe, after the deputy cards were taken away.

The CHAIRMAN. Afterward?

Mr. MOSCH. I believe so.

The CHAIRMAN. Was there some court order to get the gas removed, some court action?

Mr. MOSCH. I received my orders from the attorney general.

The CHAIRMAN. You received orders from the attorney general?

Mr. MOSCH. That is right.

The CHAIRMAN. To remove the tear gas?

Mr. MOSCH. Right.

The CHAIRMAN. How did you receive those orders?

Mr. MOSCH. By telephone.

The CHAIRMAN. By telephone.

Senator MUNDT. In your letter to Mr. Conger, you have this paragraph:

No release of this action will be made by me, either to the press or radio, so as not to cause any embarrassment to anyone concerned.

Do you remember that paragraph?

Mr. MOSCH. I do.

Senator MUNDT. In his letter to you, he says:

Although you stated in your letter that no release of your action would be made by you to the press or radio, it has been announced by both, and, therefore, we are making the contents of this letter public.

Was Mr. Conger's statement correct? Was it released to the press and radio?

Mr. MOSCH. I did not release it. I believe that the press reporters went up to the clerk of the circuit court, and that is on file up there. If they go up there and check the record, they could see for themselves that they were removed.

Senator MUNDT. Your letter was on file with the clerk of the court's office?

Mr. MOSCH. Not the letter, but that indicated that the cards were taken away.

Senator MUNDT. You would not have received the cards as yet, because his letter states they are complying with your request. In that same letter he points out that there has been a release to the press and radio, and so he was releasing his letter to the public. I was wondering how the press and radio got the information, or maybe you changed your mind and decided to give it to the press and radio.

Mr. MOSCH. I believe they went up to the clerk of circuit court. I am not sure. But it would be on file up there.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. You said you received a report that Mr. Herbert Kohler and some of his men were using clubs?

Mr. MOSCH. One of my deputies reported to me there was a fracas out in front of the main gate, and that they were out there and they had some billy clubs.

Senator CURTIS. Who was your deputy who said that?

Mr. MOSCH. Al Butala.

Senator CURTIS. About when was that?

Mr. MOSCH. Well, that was before the lines were opened. It was the early part of the strike.

Senator CURTIS. The early part of the strike. You don't remember what month it was?

Mr. MOSCH. I believe it was April or the early part of May.

Senator CURTIS. What year? 1954?

Mr. MOSCH. 1954.

Senator CURTIS. Did he say they used the clubs?

Mr. MOSCH. Well, they didn't use the clubs, but they had them ready to use, and the pickets hollered something to Mr. Kohler, and he said "Never mind, I am the law."

Senator CURTIS. Was there any report that they were used?

Mr. MOSCH. No.

Senator CURTIS. How old is Mr. Kohler?

Mr. MOSCH. I couldn't say.

Senator CURTIS. Well, how old?

Give an estimate. I have never seen him in my life that I know of.

Mr. MOSCH. I would say in the sixties, perhaps 64. I am guessing now.

Senator CURTIS. That is all.

Mr. KENNEDY. That is all.

The CHAIRMAN. Without objection, we will recess until tomorrow morning at 10 o'clock.

We will reconvene in room 357 at that time.

(Whereupon, at 4:25 the committee recessed, with the following members present: Senators McClellan, Mundt, Curtis, and Goldwater, to reconvene at 10 a. m. Friday, February 28, 1958.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

FRIDAY, FEBRUARY 28, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in room 357, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator John F. Kennedy, Democrat, Massachusetts; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John J. McGovern, assistant counsel; Vernon J. Johnson, investigator; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members present at the convening of the session were: Senators McClellan and Goldwater.)

The CHAIRMAN. Mr. Mosch, will you come around, please?

TESTIMONY OF THEODORE J. MOSCH—Resumed

The CHAIRMAN. You have been previously sworn, and you will continue under the same oath.

Senator GOLDWATER. Thank you for allowing me to ask the sheriff just a few questions relative to some of the testimony that he gave yesterday.

Now, you testified along toward the close of the hearing that Mr. Kohler wielded a club. Did you see him wield the club?

Mr. MOSCH. I did not.

Senator GOLDWATER. Who told you that Mr. Kohler had a club?

Mr. MOSCH. One of my deputies happened to be near there or went by and he was told that he had a club, but I did not see that.

Senator GOLDWATER. Did the deputy see Mr. Kohler with a club?

Mr. MOSCH. That I do not know.

Senator GOLDWATER. Who was this deputy who told you that?

Mr. MOSCH. Albert Butala.

Senator GOLDWATER. How do you spell that?

Mr. MOSCH. The last name is spelled, B-u-t-a-l-a.

Senator GOLDWATER. Was the deputy at the gate where Mr. Kohler was supposed to be wielding the club?

MR. MOSCH. No; he was not there, and he was out for a ride that evening with some of his friends, and there was a commotion at the main gate, and he stopped and he was told that that is what transpired.

SENATOR GOLDWATER. So the deputy actually did not see Mr. Kohler with a club?

MR. MOSCH. No; he did not.

SENATOR GOLDWATER. So somebody else told the deputy, and the deputy told you?

MR. MOSCH. That is true.

SENATOR GOLDWATER. Did you ever look further into that episode, that was reported third hand to you?

MR. MOSCH. No; I did not.

SENATOR GOLDWATER. Did you ever hear that what actually happened might have been that Mr. Kohler was trying to get into his own plant, and he was stopped?

MR. MOSCH. That could be, and I could not answer that, sir.

SENATOR GOLDWATER. You could not answer?

MR. MOSCH. No.

SENATOR GOLDWATER. Might it not be also that Mr. Kohler's chauffeur or driver got out of the car, in an effort to get Mr. Kohler into his own plant, and was stopped by the strikers?

MR. MOSCH. That could be.

SENATOR GOLDWATER. Now, I wanted, Mr. Chairman, to clear that point up about this club, because it was interpreted as the truth by one of our local papers, and I don't think that we can accept evidence like that coming in a third-handed way concerning the president of a company or as far as that goes concerning any participant in this hearing.

THE CHAIRMAN. Let the Chair say that, when the witness is before us, that is the time to clear it up. As long as they are here, they will be recalled for further testimony to clarify any points that may be clouded or in doubt.

SENATOR GOLDWATER. Now, sheriff; did you ever have a written opinion from the district attorney as to your duties in connection with the strike?

MR. MOSCH. Not to my knowledge.

SENATOR GOLDWATER. Mr. Chairman, I have here what purports to be a copy of a letter. I have what purports to be a copy of a letter written to Sheriff Theodore Mosch, from John G. Buchen, B-u-c-h-e-n, on April 13, outlining the duties of the sheriff.

THE CHAIRMAN. Do you know John G. Buchen?

MR. MOSCH. I do.

THE CHAIRMAN. Who is he?

MR. MOSCH. He is the district attorney.

THE CHAIRMAN. Can you speak a little louder?

MR. MOSCH. He was the district attorney.

THE CHAIRMAN. Was he the one under the law that was responsible for giving legal advice during the time of the strike?

MR. MOSCH. That is right.

THE CHAIRMAN. He has that duty as district attorney, to give you counsel and instructions with regard to the law?

MR. MOSCH. That is right.

The CHAIRMAN. In any legal problems on which your office might have been confronted?

Mr. MOSCH. Yes, sir.

The CHAIRMAN. I hand you here what is stated to be or believed to be a 4- or 5-page copy of a letter or a memorandum supposed to have been issued to you by John G. Buchen, on April 13, 1954, and I will ask you to examine it and state whether you recognize it and whether you identify it and state whether you received it and what you know about it.

(A document was handed to the witness.)

Mr. MOSCH. Yes; I did receive that.

The CHAIRMAN. You did receive that memorandum?

Mr. MOSCH. Yes.

The CHAIRMAN. As I interpreted it, it is a memorandum of instructions to you, or discussing the legal aspects of your duties in connection with the strike, is that correct?

Mr. MOSCH. That is true.

The CHAIRMAN. That memorandum may be made exhibit No. 11. (Document referred to was marked "Exhibit No. 11", for reference and may be found in the files of the select committee.

The CHAIRMAN. That exhibit is made for reference, and is there any part which you wish to have incorporated in the record?

Senator GOLDWATER. Not in the record necessarily, Mr. Chairman.

Now, sheriff, did you print a part of this letter in the newspaper?

Mr. MOSCH. What letter are you referring to?

Senator GOLDWATER. The one that you just identified.

The CHAIRMAN. It is a memorandum and not a letter.

Senator GOLDWATER. You are correct, it is a memorandum. Did you print part of this memorandum in the newspaper?

Mr. MOSCH. I don't know if I did or not, and I could not answer that.

Senator GOLDWATER. Don't you remember having part of this printed in the newspaper?

Mr. MOSCH. I recall there being something in the paper but I do not know if I put it in or not.

Senator GOLDWATER. Didn't Mr. Buchen get rather mad at you because you did not print the entire context of the contents of that?

Mr. MOSCH. I don't remember that, sir.

Senator GOLDWATER. You don't recall having part of this letter printed in the newspapers?

Mr. MOSCH. There was something in the newspaper, but I could not tell you truthfully if it was part or if it was all.

The CHAIRMAN. Wouldn't you remember whether you released a memorandum to the press or not, or any part of it?

Mr. MOSCH. I don't remember, sir.

The CHAIRMAN. You don't say you did or did not?

Mr. MOSCH. That is right.

The CHAIRMAN. You don't know?

Mr. MOSCH. I don't know.

The CHAIRMAN. You don't remember?

Mr. MOSCH. No.

The CHAIRMAN. Is that right?

Mr. MOSCH. That is right.

Senator GOLDWATER. Mr. Chairman, yesterday in the testimony, the sheriff said that his authority only went so far as escorting the non-strikers up the picket line. Now, in the memorandum from Mr. Buchen, who was the district attorney, states the responsibility of the sheriff's office was to get nonstrikers through the picket line; is that not correct?

Mr. MOSCH. That is true.

Senator GOLDWATER. Yesterday you testified that your job was only to get them up to the picket line?

Mr. MOSCH. Well, that was one of the opinions that I thought we got verbally.

Senator GOLDWATER. But you had the written opinion from the attorney, saying in effect your job was to get them through that picket line; is that not correct?

Mr. MOSCH. That is right.

Senator GOLDWATER. Could you have made more strenuous efforts short of the use of weapons to get these men through the picket line?

Mr. MOSCH. We tried to do what we thought was to get them into the line without any bloodshed, and we tried our best, and as you saw the pictures yesterday, and the movies, under the circumstances we were handicapped, also.

Senator GOLDWATER. Was the picket line then so effective, and so thoroughly organized and so obviously intent on violence, that in your opinion as a law enforcement officer to have exercised the full prerogative of your office short of the use of weapons, you would have caused bloodshed and further violence?

Mr. MOSCH. That is right.

Senator GOLDWATER. Now let me ask you, do you recall an article in the Sheboygan Press of April 12, 1954, which said this, and I quote:

County Sheriff Theodore Mosch, contacted by telephone this morning, said that Under Sheriff Schmitz was taking over temporarily, that he, himself, would remain in the office chiefly for a few days until he could cure a cold that he had contracted. The deputies, he said, were under orders to protect any employees who wished to return to work, and to take them as far as the picket line.

Do you recall that?

Mr. MOSCH. I do.

Senator GOLDWATER. Now, why didn't you instruct the deputies to take them through the picket line?

Mr. MOSCH. We tried to get them through, but it was absolutely impossible.

Senator GOLDWATER. Well, let us suppose that you had deputized, say, 200 men for the express purpose of forcing your way through that line without any weapons at all. Do you think that you could have gotten workers through with 200 deputies?

Mr. MOSCH. I doubt that very much.

Senator GOLDWATER. How many deputies do you think it would have taken to have gotten workers through that organized picket line?

Mr. MOSCH. About 400 or 500.

Senator GOLDWATER. In effect could you have gotten enough men in Sheboygan County to have accomplished the purpose that John Buchen said was your job, namely to get people through that picket line?

Mr. MOSCH. It would have been utterly impossible to get anybody in there. People that we tried to contact to be deputized, they would

not do it because either their brother or their father or their relative or somebody was in the plant.

They absolutely did not want no part of being deputized.

Senator GOLDWATER. Although you testified to this yesterday, then it is more and more obvious that this, under no convocation of words, could be called peaceful picketing?

Mr. MOSCH. That is true.

Senator GOLDWATER. It was violent picketing?

Mr. MOSCH. That is right.

Senator GOLDWATER. And violent striking?

Mr. MOSCH. That is right.

Senator GOLDWATER. Which you as a sheriff charged with the enforcement of law of the county of Sheboygan, honestly felt you could not cope with and not create violence of the sort that would have been disastrous to the peace of the community and the county, is that correct?

Mr. MOSCH. That is correct.

Senator GOLDWATER. Now, I have one more point, sheriff. You testified that you had orders from the attorney general to confiscate certain tear gas. Did you ever have a written opinion or order from him?

Mr. MOSCH. No, I received that by telephone.

Senator GOLDWATER. You received it by phone?

Mr. MOSCH. Yes, sir.

Senator GOLDWATER. Where was the tear gas when you took possession of it?

Mr. MOSCH. It was in the village hall.

Senator GOLDWATER. Who had turned it over to the village hall?

Mr. MOSCH. I do not know, sir.

Senator GOLDWATER. Had it been turned over to Mr. Capelle, the chief of police?

Mr. MOSCH. I don't know; all I know is when I went over to the village hall, Chief Walter Capelle turned it over to me.

Senator GOLDWATER. You did not go to the plant and take the tear gas out of the plant?

Mr. MOSCH. No, sir.

Senator GOLDWATER. It had already been turned into the city hall?

Mr. MOSCH. That is right.

Senator GOLDWATER. Did the chief of police, Capelle, to your knowledge, have any tear gas other than that that was turned over to him by the Kohler plant?

Mr. MOSCH. I could not answer that.

Senator GOLDWATER. Did you confiscate the gas that Capelle had?

Mr. MOSCH. We took it over to the county jail, and kept it in storage.

Senator GOLDWATER. Now, actually, the gas was not confiscated as a result of a John Doe hearing, was it?

Mr. MOSCH. No, sir.

Senator GOLDWATER. You testified to that yesterday, and I did not think that you wanted to have it stay on the record, that either you or your deputy, I think it was you, testified as a result of a John Doe hearing the gas was confiscated.

Actually, the John Doe hearing was held after the gas was turned over by the Kohler Co., to the chief of police?

Mr. MOSCH. That is right.

Senator GOLDWATER. Is that correct?

Mr. MOSCH. Yes.

Senator GOLDWATER. Now, did you ever hear that the findings of the John Doe decision was that the Kohler Co. had done nothing illegal in having the gas in their possession?

Mr. MOSCH. I believe that is right.

Senator GOLDWATER. Do you think that you remember hearing that the John Doe decision was that the Kohler Co. had done nothing illegal in having the gas in their possession?

Mr. MOSCH. That is right.

Senator GOLDWATER. That is all I have, Mr. Chairman, and I thank you for the opportunity to clear this up.

The CHAIRMAN. I would like to get one matter clear. Was provision made by the strikers or by the union and the Kohler executives to permit them free ingress and egress in and to their plant?

Mr. MOSCH. Would you repeat the question, please?

The CHAIRMAN. How about the management of the plant, the Kohler officials and management? Were they permitted freedom of ingress and egress to and from the plant? Was any arrangement worked out for that?

Mr. MOSCH. To my knowledge, they had free access to go in and come out.

The CHAIRMAN. As I understand you, you are saying that the strikers, the union did not prevent them from going into the plant and leaving it at their pleasure?

Mr. MOSCH. That is what I understand.

The CHAIRMAN. What experience did you have? Did you have any trouble or any complaint about them being able to get in or get out?

Mr. MOSCH. No.

The CHAIRMAN. You had no complaint of that nature?

Mr. MOSCH. No.

The CHAIRMAN. Not from any of the Kohler people?

Mr. MOSCH. No.

The CHAIRMAN. I that right?

Mr. MOSCH. That is right.

The CHAIRMAN. The strike, then, the obstruction and the force, and the mass picketing was used against employees who wanted to go back to work?

Mr. MOSCH. That is right.

The CHAIRMAN. And not against management going into and from the plant?

Mr. MOSCH. That is true.

The CHAIRMAN. What quantities of tear gas were turned over to you?

Mr. MOSCH. I think there were 3, or I don't remember offhand, I believe there were 3 crates of tear-gas shells.

(At this point, the following members were present: Senators McClellan and Goldwater.)

The CHAIRMAN. Three crates?

Mr. MOSCH. I am not sure.

The CHAIRMAN. I don't know how much is in a crate.

Mr. MOSCH. They have the record there. I would only be——

The CHAIRMAN. Are you familiar with the record?

Mr. MOSCH. Yes.

The CHAIRMAN. I present you here what purports to be a record of the tear gas that was delivered to you. Examine it and state if you identify it as being correct.

(The document was handed to the witness.)

Mr. MOSCH. That is correct.

The CHAIRMAN. That is correct? That may be made exhibit No. 12.

(The document referred to was marked "Exhibit No. 12" for reference and will be found in the appendix on pp. 8739-8740.)

The CHAIRMAN. I have no idea, just glancing at that, how to describe the quantity. You say three crates. How large is a crate?

Mr. MOSCH. I don't—I couldn't tell you exactly.

The CHAIRMAN. Are you familiar with tear gas?

Mr. MOSCH. Not very well; no.

The CHAIRMAN. You don't use it? You never had occasion to use it?

Mr. MOSCH. No, I never did.

The CHAIRMAN. Did you keep it on hand in your office as sheriff?

Mr. MOSCH. Yes.

The CHAIRMAN. You were sheriff for 8 years?

Mr. MOSCH. Yes, sir.

The CHAIRMAN. And you didn't get familiar with it, how to use it, the quantity of it, or anything?

Mr. MOSCH. I have never used it myself.

The CHAIRMAN. You never had occasion to use it?

Mr. MOSCH. No.

The CHAIRMAN. What I am trying to ascertain, since it is an issue here, is whether that is a vary large quantity, designed to meet mass resistance, or whether it is just like you would have a little on hand, sometimes, when you get somebody cornered in a building to shoot in there and drive them out. I am trying to get a relative idea of it.

Mr. MOSCH. I am not familiar with the tear gas. My under sheriff is the one that is more familiar with that than I am.

The CHAIRMAN. All right. Are there any other questions?

If not, call the next witness.

Mr. KENNEDY. Mr. Capelle.

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CAPELLE. I do.

TESTIMONY OF WALDEMER G. CAPELLE

The CHAIRMAN. State your name, your place of residence, and business or occupation.

Mr. CAPELLE. Waldemer G. Capelle, 128 Lincoln Circle, Kohler, Wis., chief of police, the village of Kohler.

The CHAIRMAN. Mr. Capelle, do you waive counsel?

Mr. CAPELLE. Yes, I do.

The CHAIRMAN. Are you still chief of police of the village of Kohler?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. And you were during the strike period beginning in June 1954, or May 1954?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. All right, Mr. Counsel.

Mr. KENNEDY. Mr. Capelle, how long have you been chief of police in Kohler?

Mr. CAPELLE. 11 years.

Mr. KENNEDY. Could you tell us approximately, how many people live in the village of Kohler?

Mr. CAPELLE. Approximately 1,700 to 1,800 people.

Mr. KENNEDY. As far as the operation of the village of Kohler, does the Kohler Co. play a large part in that operation? Is the Kohler Co. itself an important element in the community?

Mr. CAPELLE. Well, they are the only plant in the community.

Mr. KENNEDY. For instance, what percentage of the taxes does the Kohler Co. pay in the village of Kohler?

Mr. CAPELLE. I don't know the definite figure.

Mr. KENNEDY. Approximately what percentage?

Mr. CAPELLE. Well, not knowing the definite figure, I haven't access to the tax rolls, it is not in my——

Mr. KENNEDY. Well, approximately how much?

Mr. CAPELLE. Well, 75 percent, I would say.

Mr. KENNEDY. About 75 percent?

Mr. CAPELLE. That is just my opinion. I am not versed in the taxation of the village.

Mr. KENNEDY. And of the approximately 1,200 people that live in Kohler Village, what percentage of those work at the Kohler Co.?

Mr. CAPELLE. Well, there is between 1,700 and 1,800.

Mr. KENNEDY. What percentage of those work in Kohler?

Mr. CAPELLE. Well, the greater percentage.

Mr. KENNEDY. About 90 percent of them?

Mr. CAPELLE. About 90 percent of them, I would say.

Mr. KENNEDY. They work in the Kohler plant?

Mr. CAPELLE. Yes.

Mr. KENNEDY. About 90 percent of the people who live in Kohler Village work at the Kohler plant, is that right?

Mr. CAPELLE. Approximately.

The CHAIRMAN. Are you paid as a salary as chief of police?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. Are you paid a salary out of tax moneys?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. Out of governmental revenues?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. Are you paid anything by voluntary contributions by the Kohler Co. or by citizens of the community?

Mr. CAPELLE. No, sir.

The CHAIRMAN. Then you are an official, duly paid by tax revenue, that are levied upon all, according to their responsibilities to pay taxes?

Mr. CAPELLE. That is correct; sir.

Mr. KENNEDY. At the time of the Kohler strike, how many deputies did you have? How many people did you have working for you?

Mr. CAPELLE. At the beginning of the strike, April 5, 1954, I had approximately 90 special police.

Mr. KENNEDY. Ninety special police?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. And did they work during this period of time in which the mass picketing went on?

Mr. CAPELLE. Yes. I had them working in three shifts, and also the fire department. They also were special police.

Mr. KENNEDY. How many are in the fire department?

Mr. CAPELLE. There were 12.

Mr. KENNEDY. Is that in addition to the 90?

Mr. CAPELLE. No.

Mr. KENNEDY. That makes up part of the 90?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. And you had them working in three shifts?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. How many people do you ordinarily have?

Mr. CAPELLE. Four, with myself.

Mr. KENNEDY. So this was a tremendous increase, is that right?

Mr. CAPELLE. Yes.

Mr. KENNEDY. Was that to deal with this problem and difficulty?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. Had you taken them on right after the strike broke out?

Mr. CAPELLE. No. I had trained men previous to that time.

Mr. KENNEDY. When had you started to take on these men?

Mr. CAPELLE. In May 1952.

Mr. KENNEDY. In May of 1952?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. How many did you bring on then?

Mr. CAPELLE. Approximately 45. It varied.

Mr. KENNEDY. About 45 people?

Mr. CAPELLE. Yes.

Mr. KENNEDY. Why did you select May of 1952?

Mr. CAPELLE. Well, as a chief of police of the village of Kohler, I felt it my duty to be prepared for any emergency, or if there was any trouble, I wanted to be sure that I would be prepared to protect life, limb, and property, which is my duty.

Mr. KENNEDY. You felt that there would be some problems and difficulties back in May of 1952?

Mr. CAPELLE. It very much looked that way.

Mr. KENNEDY. What was the reason for that?

Mr. CAPELLE. Well, there was a little unrest in the people working at the plant, and the new affiliation with the CIO which caused quite a bit of feeling in the area, in the vicinity, and amongst the people.

Mr. KENNEDY. As I remember, the UAW-CIO came in there in April of 1952, is that right?

Mr. CAPELLE. I am not sure of that. I don't know.

Mr. KENNEDY. Well, immediately following the vote by the people in the plant to affiliate with the UAW, you then got 45 new deputies; is that right?

Mr. CAPELLE. Yes.

Mr. KENNEDY. And you started training these deputies?

Mr. CAPELLE. I did.

Mr. KENNEDY. You had some discussions with Mr. Conger about this?

Mr. CAPELLE. I did not, at no time.

Mr. KENNEDY. Or Mr. Kohler?

Mr. CAPELLE. No.

Mr. KENNEDY. He never even knew that you had the 45 deputies?

Mr. CAPELLE. Whether he knew or not, I don't know.

The CHAIRMAN. You didn't do it at their instance?

Mr. CAPELLE. No, sir.

The CHAIRMAN. You did it out of a sense of duty as you felt it, growing out of your responsibilities?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. In other words, you were not put up to do it, and there was no agitation or effort on the part of the Kohler people to get you to make some special preparation?

Mr. CAPELLE. No, sir.

Mr. KENNEDY. You just felt that the fact that the Kohler workers had voted to affiliate and become members of the UAW-CIO, that that was sufficient to get 45 new deputies? Is that correct?

Mr. CAPELLE. Well, that is part of it, yes.

Mr. KENNEDY. Was there any other reason?

Mr. CAPELLE. Well, if any other union would have been in. It didn't make any difference what union got in, but I know if there would be any trouble, I felt I should be prepared for it. It made no difference to me whether it is the CIO, AFL, or what.

Mr. KENNEDY. If a union comes into a community, that is a signal to you to get ready for trouble and difficulties?

Mr. CAPELLE. Not necessarily, no.

(At this point, Senator Ervin entered the hearing room.)

Mr. KENNEDY. But you felt in this case you should increase your force by 1,000 percent because of the fact that the UAW was coming in?

Mr. CAPELLE. The way people felt, and the way there was tension there, I felt that something may happen, and I wanted to be prepared.

Mr. KENNEDY. These people were all employees. They were all people working for the Kohler Co., or 90 percent of them.

Mr. CAPELLE. Most of them, yes. I had no—

Mr. KENNEDY. From whom did you take your instructions as chief of police?

Mr. CAPELLE. I take instructions from the village board.

Mr. KENNEDY. Is that the police commissioners?

Mr. CAPELLE. And part of the village board, three of the members of the village board, compose a police committee.

Mr. KENNEDY. Who are the police committee?

Mr. CAPELLE. They are a committee that are members of the village board.

Mr. KENNEDY. Do they have anything to do with the Kohler Co.?

Mr. CAPELLE. At that time, two of the committee were working for the Kohler Co., and the chairman of the committee is a schoolteacher, or—yes, he is a schoolteacher, but at that time he was chairman of the police committee.

Mr. KENNEDY. The other two out of the three were employees of the Kohler Co.?

Mr. CAPELLE. That is correct.

Mr. KENNEDY. What kind of positions did they hold in the Kohler Co.?

Mr. CAPELLE. At that time one was either a foreman or a superintendent and the other one was a laborer in the company.

Mr. KENNEDY. What were their names?

Mr. CAPELLE. Jerome Regan, Bernard Meyer, and the chairman was Williard Wandschneider.

Mr. KENNEDY. These 45 people that you deputized, were they employees of the Kohler Co.?

Mr. CAPELLE. Yes, I believe so, maybe with the exception of one or two.

Mr. KENNEDY. The others were Kohler employees?

Mr. CAPELLE. Yes.

Mr. KENNEDY. Was there any arrangement made with the Kohler Co. about your taking these 45 people and deputizing them?

Mr. CAPELLE. At that time? No.

Mr. KENNEDY. Well, were any financial arrangements made with the Kohler Co. about these 45 men?

Mr. CAPELLE. No, sir.

Mr. KENNEDY. Were there any arrangements made at a later time?

Mr. CAPELLE. Insofar as pay?

Mr. KENNEDY. Well, hospitalization or anything like that.

Mr. CAPELLE. Well, yes; that came later.

Mr. KENNEDY. When was that arrangement?

Mr. CAPELLE. That was at the start of the strike. They received a leave of absence and that their hospitalization and health and accident insurance would continue during their leave of absence.

Mr. KENNEDY. The Kohler Co. agreed to that?

Mr. CAPELLE. Walter J. Ireland is the personnel director, and I saw him about that.

The CHAIRMAN. I hand you a photostatic copy of the letter dated April 1, 1954, presumably from the Kohler Co. to you, and ask you to examine that and state if you received that letter.

(The document was handed to the witness.)

(At this point, Senator Mundt entered the hearing room.)

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. That letter may be made exhibit No. 13.

(The document referred to was marked "Exhibit No. 13" for reference and will be found in the appendix on p. 8741.)

The CHAIRMAN. That is the letter that gave you the instructions or agreement that you have just testified to?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. So the Kohler Co. agreed to the hospitalization and certain other rights to continue for these people working as special police, is that right?

Mr. CAPELLE. Yes. Although they had to pay their hospitalization, like it had been before.

Mr. KENNEDY. Pay into the fund, you mean?

Mr. CAPELLE. Yes; pay for their hospitalization.

Mr. KENNEDY. Let me go back. Then you took on some 45 at the time the strike came; you took 45 immediately after the affiliation; and then about the period of the strike you brought on 45 new deputies?

Mr. CAPELLE. Yes.

Mr. KENNEDY. You say that you were training these first 45 we are talking about in May of 1952. What sort of things would they be learning?

Mr. CAPELLE. Regular, basic police training, which includes fundamentals of our village ordinances, State statutes, how to operate our radio in the squad car, foot-patrol techniques and such. A regular course. I guess that is common in every police department.

Mr. KENNEDY. Could you speak a little louder? It is a regular course?

Mr. CAPELLE. That is common in every police department.

Mr. KENNEDY. Did you have guns that you trained them with also?

Mr. CAPELLE. Yes. We had target practice.

Mr. KENNEDY. What kind of guns did you use?

Mr. CAPELLE. The guns that we have, which include revolver, shotgun, submachinegun, and gas guns.

Mr. KENNEDY. You trained them with machine guns?

Mr. CAPELLE. Yes.

Mr. KENNEDY. And also with gas guns?

Mr. CAPELLE. Yes.

Mr. KENNEDY. When did you start training them with the gas guns? In May of 1952?

Mr. CAPELLE. No; it wasn't then. It was later.

Mr. KENNEDY. When did you start training them with gas guns?

Mr. CAPELLE. Well, I don't remember what date it was.

Mr. KENNEDY. But you were training them with machineguns also?

Mr. CAPELLE. Yes.

Senator GOLDWATER. Mr. Chairman, might I interject a moment at this point?

How many machineguns did you have?

Mr. CAPELLE. We have two, sir.

Senator GOLDWATER. Were both of them soldered?

Mr. CAPELLE. We did at one time, so that they would only shoot one shot at a time.

Senator GOLDWATER. When you trained on the machineguns, were they in soldered condition?

Mr. CAPELLE. At first, yes.

Senator GOLDWATER. So, in effect, it was not a machinegun. It was not an automatic gun as long as it was soldered?

Mr. CAPELLE. Not at the time; no. That was for a safety measure. After all, these fellows never handled a gun.

Senator GOLDWATER. Thank you.

The CHAIRMAN. The first 45 men that you trained, were they selected by reason of the fact that they were company sympathizers?

Mr. CAPELLE. No.

The CHAIRMAN. What happened to the first 45 when the strike finally came?

What percentage of them were nonstrikers and what percentage of them became strikers?

Mr. CAPELLE. Out of the 45, I would say there were between 9—8 or 9 that dropped out and they went on strike, went on the picket line.

The CHAIRMAN. So they were not first selected with a view of getting those who might oppose a strike?

Mr. CAPELLE. No, sir.

The CHAIRMAN. You are sure of that, now?

The CAPELLE. I am.

The CHAIRMAN. You weren't just trying to build up something to break a strike?

Mr. CAPELLE. No.

The CHAIRMAN. When the strike finally came, the first 45 you had trained from May 1952, about 8 of the 45 went over on the side of the strikers?

Mr. CAPELLE. Yes; they did.

The CHAIRMAN. Did they continue to remain deputy policeman?

Mr. CAPELLE. No, sir.

The CHAIRMAN. When they went on the side of the strikers, they were dismissed as deputy police; is that correct?

Mr. CAPELLE. They asked to be.

The CHAIRMAN. They asked to be released?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. And they were released.

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. What did you mean at first about the machinegun? First you had them soldered off?

Mr. CAPELLE. We had them soldered on the Thompson submachine-guns. There is a lever there for either single fire or rapid fire, and that lever was soldered for single.

Mr. KENNEDY. And that remained from 1952 on?

Mr. CAPELLE. I don't remember just when that was done, the dates. I mean, they also fired rapid fire.

Mr. KENNEDY. They also fired rapid fire?

Mr. CAPELLE. Yes.

Mr. KENNEDY. Both kinds.

Mr. CAPELLE. Yes.

Mr. KENNEDY. Now, then came the strike in 1954 and you brought in these new deputies, is that right?

Mr. CAPELLE. Yes.

Mr. KENNEDY. And the ones that you brought on at that time in 1954, were they strikers or nonstrikers?

Mr. CAPELLE. The new ones in 1954, you mean?

Mr. KENNEDY. Yes.

Mr. CAPELLE. They were all nonstrikers.

Mr. KENNEDY. They went through this training too?

Mr. CAPELLE. No, not through the same kind of training that we had for the others.

Mr. KENNEDY. Were they trained with the gas?

Mr. CAPELLE. No.

Mr. KENNEDY. They had less active training, is that right?

Mr. CAPELLE. They were with the other fellows, and I had a nucleus there, that there would be at least one who knew how to operate anything, or any equipment that we had.

Mr. KENNEDY. Then, what would happen if the Kohler Co. wanted some of these people back to work and wanted them to perform any special task? Did you have an arrangement with them that they could leave the police force and go back to work?

Mr. CAPELLE. Well, if the man himself wanted to go back to work, he would tell me, and the time when I felt that we could cut down on

the police department, I would release him then. Any arrangements they made with the company, as to when to start, they had to do that themselves.

Mr. KENNEDY. For instance, when Mr. Irlan or someone from Kohler got in touch with you that they wanted one of the deputy policemen back to work on a particular day to perform a specific task, you would make some arrangements so that they could go back to work in the company, would you not?

Mr. CAPELLE. Well, I would say there would be maybe two men that I remember, and I know Mr. Irlan told me, "Whenever you can spare them, to let them go, we would appreciate it if you would."

Mr. KENNEDY. Then, when the strike began, you split this group into three different shifts?

Mr. CAPELLE. That is right.

Mr. KENNEDY. Now, tell the committee about the period of the strike. Mass picketing was going on, and it was impossible to get the non-strikers through the line?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. And people who wanted to go to work were not allowed to go to work and not permitted through the line?

Mr. CAPELLE. That is correct.

Mr. KENNEDY. Did you request two officials of the union to open up the line?

Mr. CAPELLE. I did.

Mr. KENNEDY. And they refused to do so?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. Could you tell the committee some of those people that you requested to open up the picket line, and what their replies were?

Mr. CAPELLE. Well, I talked to Robert Burkhart any number of times, to get this thing, or the pickets to open up and keep them off Industrial Road. He would reply, "I will try," or words to that effect, but they were never obeyed.

At times I would ask the people who were in front of me on the picket line, and a group in front of the main office or the main gate, to open up. It was never followed through.

Mr. KENNEDY. They would not open up?

Mr. CAPELLE. No, sir.

Mr. KENNEDY. What reason would they give you, or what would they state, that they were just not going to open up?

Mr. CAPELLE. Well, they would yell and say, "Nobody gets in." They certainly made it definite that they made up their mind that nobody gets in, and they would chant it and yell it.

Mr. KENNEDY. During this period of time, they knew that you were an officer of the police?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. And you went and requested them to open up the line and they still refused to do so?

Mr. CAPELLE. Yes.

Mr. KENNEDY. Did you take any steps to arrest any of them when they refused to obey your instructions?

Mr. CAPELLE. Well, no, not any individual person.

Mr. KENNEDY. Were any of them arrested by you or by your deputies during this period of the strike?

Mr. CAPELLE. Yes.

Mr. KENNEDY. What was that for?

Mr. CAPELLE. For different things. For instance, I remember on April 11, 1954, around midnight, there were 2 men tried to get into the plant, and 1 man succeeded, and the other man was stopped and pushed back out on to the street. That involved, after investigating it, two men, and they were arrested for preventing persons from going to work.

Mr. KENNEDY. They were arrested for preventing people from going to work?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. How did those cases come out?

Mr. CAPELLE. They were dismissed in justice of peace court.

Mr. KENNEDY. Did you testify?

Mr. CAPELLE. Yes, I did.

Mr. KENNEDY. By whom were they dismissed?

Mr. CAPELLE. By J. John Schneider.

Mr. KENNEDY. What reason was given for their dismissal?

Mr. CAPELLE. I forget the wording of the opinion. I remember he wrote no opinion, but he thought there was not enough evidence; that boils it down.

Mr. KENNEDY. Tell me this: Did you ever arrest any of the pickets or the picket captains, or the international officials who stood in front of you and would not allow the nonstrikers in to work?

Mr. CAPELLE. Well, at that time, as the former under-sheriff testified, I think it was 12 men first. That was the only time that we arrested them. I believe we charged unlawful assembly or the district attorney did, and I am sure the right to work law was charged against them, too.

Mr. KENNEDY. But that case was dismissed, also; was it?

Mr. CAPELLE. Yes.

Mr. KENNEDY. Now, why didn't you bring out all 90 of your deputies and try to open up the line?

Mr. CAPELLE. Well, first, out of the 90, only 45 had any previous training, and I don't think we would have done much with only 45.

Mr. KENNEDY. You don't think that you could have opened the line up with the people that you had together with the people that the sheriff had?

Mr. CAPELLE. That wouldn't have been enough.

Mr. KENNEDY. Did you ever receive any instructions or requests from the Kohler Co. to use your 90 people to open up the line?

Mr. CAPELLE. No.

Mr. KENNEDY. They never requested that you do that?

Mr. CAPELLE. No.

Mr. KENNEDY. Or take any steps to try to open the line so these people could get to work?

Mr. CAPELLE. I got a letter shortly after the start of the strike from the company requesting that the lines be opened and they quoted this law and a person having the right to work.

Mr. KENNEDY. What did you find out, and what did you do, and what steps did you take then?

Mr. CAPELLE. Well, we did what we could with the number of people that we had there. It would have taken more than we had to open up the lines.

Mr. KENNEDY. Did you ever receive any other requests from the company to open up the lines, any verbal requests to open up the line? You had the most deputies and the most people working for you of any law-enforcement agency in that area, and did they ever get in touch with you to ask you to open up the line?

Mr. CAPELLE. I have had requests from the people that wanted to get in, but not from the company.

Mr. KENNEDY. Not from the company?

Mr. CAPELLE. No.

Mr. KENNEDY. Now, could you describe generally how the strikers behaved in the line?

Mr. CAPELLE. Well, in the morning there was always, at the start of the strike, there were, I would say, around 2,000, and the number varied, anywhere from 1,500 to 2,000 pickets in front of the Kohler Co. on the sidewalk adjacent to what we call Industrial Road.

Mr. KENNEDY. How would you describe their activities and behavior?

Mr. CAPELLE. Normally, I mean, they were loud and boisterous and they did a lot of singing, and then when somebody attempted to go to work, it seemed there would be quite a large group to meet them and stop them in front of the main gate.

Mr. KENNEDY. They were loud and boisterous though while they were on the picket line?

Mr. CAPELLE. Yes.

Mr. KENNEDY. Was there much destruction of property around there?

Mr. CAPELLE. No.

Mr. KENNEDY. Was there any destruction of property?

Mr. CAPELLE. No.

Mr. KENNEDY. Did the violence that took place, or the pushing and fighting that took place, take place usually when the nonstrikers attempted to get into the picket line?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. They were prevented from coming through the picket line?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. They would come over and try to get to work and not be allowed to go to work?

Mr. CAPELLE. Yes.

Mr. KENNEDY. But the fighting that took place, took place at that period of time, when these nonstrikers came across the street and attempted to get in through the picket line?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. When you were practicing with the machineguns, what kind of targets would you use?

Mr. CAPELLE. Well, we had a bull's-eye target, and the regular FBI E-target, which is the silhouette target.

Mr. KENNEDY. You used the silhouette target as well as the bull's-eye target?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. That is a silhouette of a man?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. Where did you get the silhouette targets from?

Mr. CAPELLE. From William Williamson Co., who handles all police materials, and he has his office at Appleton, Wis.

Mr. KENNEDY. Did the Kohler Co. also have some silhouette targets that they used?

Mr. CAPELLE. I don't know. They have a rifle club, and they have had a rifle club for many years.

Mr. KENNEDY. Where would you practice your shooting?

Mr. CAPELLE. At the rifle range.

Mr. KENNEDY. Of the Kohler Co.?

Mr. CAPELLE. The Kohler Co. allowed us to use it, yes.

Mr. KENNEDY. These machineguns, where did they come from, the machineguns originally.

Mr. CAPELLE. Well, I believe they were purchased in 1933 or 1934.

Mr. KENNEDY. 1933 or 1934?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. Those are the machineguns that had been used during this strike in 1934?

Mr. CAPELLE. I don't know, and I imagine—whether they were or not, I don't know.

Mr. KENNEDY. They have been left over from that difficulty?

Mr. CAPELLE. Yes.

Mr. KENNEDY. What was the organization called the Humane Society?

Mr. CAPELLE. Well, the Humane Society is for the prevention of cruelty to animals.

Mr. KENNEDY. When was that formed, the Humane Society?

Mr. CAPELLE. In the early part of 1955, I believe it was.

Mr. KENNEDY. And by whom was it formed?

Mr. CAPELLE. Well, our village attorney took care of the details of it.

Mr. KENNEDY. You wanted to take care of animals?

Mr. CAPELLE. Which is part of that, yes.

Mr. KENNEDY. To protect animals, is that it?

Mr. CAPELLE. Yes, that is what the Humane Society is for.

Mr. KENNEDY. The village attorney suggested that you form a Humane Society to take care of animals?

Mr. CAPELLE. Yes.

Mr. KENNEDY. Was there any other reason that the Humane Society was formed?

Mr. CAPELLE. Well, I was the main chief or officer of the Humane Society, which is a State office, appointed by the Governor.

Mr. KENNEDY. You are appointed by the Governor?

Mr. CAPELLE. Yes.

Mr. KENNEDY. So you became a State officer?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. Was there any other reason other than to protect animals that the Humane Society was formed in 1955?

Mr. CAPELLE. Well, if there was any question, there has been quite a bit of ado made about our machineguns and tear gas, so if there was any question, our attorney thought that would be added protection.

Mr. KENNEDY. Why would that be added protection?

Mr. CAPELLE. Well, that is his opinion. That is what he thought.

Mr. KENNEDY. You mean if you were made a State officer, you could have machineguns and tear gas, is that right?

Mr. CAPELLE. Then there would be no question about it.

Mr. KENNEDY. And if you created a Humane Society, you would become a State officer, is that right?

Mr. CAPELLE. Yes.

Mr. KENNEDY. And so therefore you could keep machineguns and tear gas?

Mr. CAPELLE. Well, that was his opinion.

Mr. KENNEDY. His opinion?

Mr. CAPELLE. It was his opinion before that, and he thought that I could have machineguns and tear gas without it, as far as that goes.

Mr. KENNEDY. He wanted to make sure that that was covered, is that right?

Mr. CAPELLE. Evidently.

Mr. KENNEDY. So there were two reasons, really, not just to protect animals, but so that you could have a legal right to have machineguns and tear gas?

Mr. CAPELLE. Well, that was added. That was his opinion, and it was his setting up.

Mr. KENNEDY. It was called the Humane Society?

Mr. CAPELLE. Yes.

Mr. KENNEDY. Do most of the police forces in Wisconsin train their deputies in the use of machineguns and tear gas, and the rest of these kind of things? Is that an ordinary procedure?

Mr. CAPELLE. Yes, it is.

Mr. KENNEDY. For deputies?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. Is that the usual procedure?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. To train them?

Mr. CAPELLE. It is recommended by the FBI that you train them in all of the equipment that you do have.

Mr. KENNEDY. Had you done that prior to that time? How many deputies had you had prior to 1952 that you trained this way?

For instance, had you ever trained anybody in gas prior to 1952?

Mr. CAPELLE. Yes; my own men.

Mr. KENNEDY. Had you ever trained any deputies in gas prior to 1952?

Mr. CAPELLE. I had Sheriff Mosch. That might have been after that, and I just don't remember.

Mr. KENNEDY. I am talking about your deputies. Did you ever train any of your deputies in gas?

Mr. CAPELLE. Yes. I always had several special police to fill in during vacations, and times when we needed extra men.

Mr. KENNEDY. I mean your deputies, these special deputies, had you ever trained special deputies in gas prior to 1952?

Mr. CAPELLE. I believe I have taken them down several times.

Mr. KENNEDY. When was that?

Mr. CAPELLE. I can't recall just what year, but 1949 or 1950, and we would go down on the range.

Mr. KENNEDY. You had some special deputies then?

Mr. CAPELLE. Yes, although I only had—

Mr. KENNEDY. How many special deputies did you have?

Mr. CAPELLE. I had 5, and once in a while 3, 4, or 5.

Mr. KENNEDY. Did you train them all in gas?

Mr. CAPELLE. Some of them, and not all of them. When we would go down to the range, whoever could make it, we would go down.

Senator GOLDWATER. Might I interrupt, and ask was gas ever used during this strike?

Mr. CAPELLE. No, sir.

Senator GOLDWATER. To your knowledge, wouldn't it be dangerous for any person to use tear gas who hadn't been trained in it?

Mr. CAPELLE. You mean who would not know how to handle it?

Senator GOLDWATER. That is right.

Mr. CAPELLE. Not too dangerous, if you could tell them; it is very simple.

Senator GOLDWATER. Isn't it customary in police forces and sheriffs' forces, and the FBI, and all law-enforcement agencies, to train their men how to use tear gas, and how to use guns?

Mr. CAPELLE. Yes, sir.

Senator GOLDWATER. You weren't doing anything, and actually would have been remiss in your duties had you not trained men in the handling of all weapons that you had?

Mr. CAPELLE. Yes, sir.

Senator GOLDWATER. But there was no gas used any time during this strike?

Mr. CAPELLE. No, sir.

Senator MUNDT. I would like to ask the police chief, have you been chief of police very long?

Mr. CAPELLE. Eleven years, Senator.

Senator MUNDT. Do you ever attend any State associations of law-enforcement officers?

Mr. CAPELLE. Yes, sir, I do.

Senator MUNDT. Do you talk with other police chiefs?

Mr. CAPELLE. Yes, sir.

Senator MUNDT. Do you talk with police chiefs in other States?

Mr. CAPELLE. At occasions; yes.

Senator MUNDT. In talking with police chiefs from other States, do you find it is general practice among police departments to have target ranges and rifle practice, and training in the use of tear gas?

Mr. CAPELLE. Yes, sir.

Senator MUNDT. I don't know what the purpose of all of the questioning is, but I can tell you that out in South Dakota you wouldn't stay chief of police 15 minutes if you didn't train your men in the use of tear-gas shells, and target practice, and to be a good marksman, because we want law-enforcement officers to have a background who can take care of violence when it develops, and can take care of it. And so I think that you are to be commended rather than criticized in the training of your men to handle firearms. That is part of the job of a good police officer.

I know at public expense, in South Dakota, we send our men clear down to Washington, D. C., to the FBI Academy, and our police officers learn to do those things efficiently and properly.

The CHAIRMAN. Are there any further questions?

Senator GOLDWATER. If the chairman has no questions, I would like to ask you a few.

The CHAIRMAN. Counsel is not through, but go ahead.

Senator GOLDWATER. Now, Chief, you testified, I believe, that in 1952, you started to enlarge your force.

Mr. CAPELLE. Yes, sir.

Senator GOLDWATER. And that you did this by adding deputies?

Mr. CAPELLE. Special police, they were sworn in as, Senator.

Senator GOLDWATER. Your authority lies only in the village of Kohler?

Mr. CAPELLE. That is right, sir.

Senator GOLDWATER. Not outside?

Mr. CAPELLE. That is right.

Senator GOLDWATER. Could you deputize anybody to be an assistant police officer from outside of the town limits of the village of Kohler?

Mr. CAPELLE. No, sir; I could not.

Senator GOLDWATER. Wouldn't it be rather difficult to deputize anybody in the village limits of Kohler who didn't work for Kohler?

Mr. CAPELLE. Yes.

Senator GOLDWATER. The great majority of the citizens of the village of Kohler work for Kohler, isn't that right?

Mr. CAPELLE. Yes.

(At this point the following members were present: Senators McClellan, Ervin, Mundt, and Goldwater.)

Senator GOLDWATER. Was this the year that the UAW was recognized as the bargaining agent, in 1952?

Mr. CAPELLE. No. I believe they were talking about an election at that time, although I think the affiliation came through somewhere in 1953.

Senator GOLDWATER. What was the reason that you gave counsel for increasing the force at that time?

Mr. CAPELLE. Well, I felt there was quite a bit of unrest of some of the people that were employed at the Kohler Co., and if we were going to have trouble, I thought it would be better to prepare for it.

Senator GOLDWATER. Did you at that time hear that the UAW-CIO were interested in moving into the plant?

Mr. CAPELLE. Yes.

Senator GOLDWATER. Had you had any knowledge of previous strikes conducted by the UAW or the CIO?

Mr. CAPELLE. Yes, I had knowledge of the strike they had there in 1934.

Senator GOLDWATER. The question that I asked was: Had you any knowledge of the manner in which UAW or CIO strikes had been conducted in the past?

Mr. CAPELLE. Yes.

Senator GOLDWATER. Did you or not, or, to put it another way, did this knowledge convince you, that the pattern of violence that has been typical of strikes in this union, should cause you to start preparing yourself for trouble?

Mr. CAPELLE. Yes.

Senator GOLDWATER. Mr. Chairman, I am not going to comment further on that, but at the proper time evidence will be offered by me to show that the Kohler strike, and the Perfect Circle strike, is not

an isolated instance of violence with the UAW or with the CIO, but that it is a typical pattern.

I think the police chief was absolutely right in anticipating trouble and enlarging his force at that time. That is all of the questions I have at the present moment.

The CHAIRMAN. The Chair will again state that if anybody has a witness who has testimony pertinent to this inquiry, that witness will be heard. I am not criticizing this police chief nor the sheriff. I think they had a most difficult job. Had they not been men of some discretion under those circumstances, there are many people living today who might not be.

The situation that was built up there, it is perfectly apparent, was one where law and order did not prevail.

People were denied their rightful pursuits because of mass picketing, because the mass picketing would not yield to the ordinary processes of law and order.

It is perfectly apparent. But I think we are all glad today that there wasn't a lot of shooting, a lot of tear gas, a lot of beating up, more than there was; we regret every incident that did occur that was unlawful and improper.

It is the purpose of this committee to find out what was improper, what went on, so that we may report that to the Congress, and the Congress may have that to enlighten them, as far as it will, with respect to legislation that may be needed.

Proceed.

Mr. KENNEDY. When you had the increase in deputies, did you have to get an increase in the budget? Did you have to get more money?

Mr. CAPELLE. Yes, sir.

Mr. KENNEDY. Where would that come from? Where did you get your increase in the budget?

Mr. CAPELLE. The committee would request from the village board.

Mr. KENNEDY. Was the tear gas that was in the company ultimately turned over to you?

Mr. CAPELLE. Yes, it was.

Mr. KENNEDY. Would you explain what happened on that?

Mr. CAPELLE. I don't remember the date, but Ray Hanson, who was employed at the Kohler Co., came to my office and asked if he could place some things and crates in my protective custody. I wanted to know what was in them, and he told me that there was tear gas and tear gas guns in these crates, so I kept them in my protective custody.

Mr. KENNEDY. What happened to those?

Mr. CAPELLE. After a while, I don't know just how many days after, Sheriff Mosch came and said that he was instructed by the attorney general to confiscate the gas, or these cartons and packages that the Kohler Co. had left there in my protective custody.

Mr. KENNEDY. So they were ultimately turned over to him?

Mr. CAPELLE. I turned them over to the sheriff.

Mr. KENNEDY. Do you know if the Kohler Co. had any other arms or ammunition other than the tear gas?

Mr. CAPELLE. None other to my knowledge; no.

Mr. KENNEDY. You know that they merely had the tear gas which ultimately was turned over to you; is that right?

Mr. CAPELLE. Yes.

Mr. KENNEDY. Did they have guns to shoot the tear gas with?

Mr. CAPELLE. I found out later. I did not open these packages at all when that was placed in my protective custody.

The CHAIRMAN. It takes a special gun, does it not?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. Give us some idea about it.

Mr. KENNEDY. We have a gun downstairs.

The CHAIRMAN. Give us some idea about the quantity of tear gas. That is what I was trying to get a while ago. Were the three crates a large quantity or a small quantity?

Mr. CAPELLE. There were more than three crates.

The CHAIRMAN. The sheriff, I believe said he thought there were three crates. How many were there?

Mr. CAPELLE. There were, to my best recollection, about 12.

The CHAIRMAN. Twelve crates?

Mr. CAPELLE. Yes.

The CHAIRMAN. How many loads or shots in one crate?

Mr. CAPELLE. Well, all these crates were of different sizes. I couldn't say how many were in each one.

The CHAIRMAN. We still have a problem. I don't know if it was a large amount of tear gas or small, relatively speaking.

Mr. CAPELLE. I did not open the packages.

Mr. KENNEDY. There were 150 cartridges, as we understand, short-range cartridges, and 150 projectiles. We have some of those down in the office as well as the guns, if you would like to see them.

The CHAIRMAN. Proceed with the witness, and we will send someone down there and have them brought up to be identified.

Just a moment. That would be 300 rounds; is that correct?

Mr. CAPELLE. Yes.

The CHAIRMAN. Three hundred shells. I suppose you call one shell a round in ammunition. That would be 300 rounds; 150 of one kind and 150 of another; is that correct?

Mr. CAPELLE. Yes.

The CHAIRMAN. Well, this is the best information we have at the moment. Now I begin to get some idea; if I had 150 cartridges, I would find out, I would know what it was.

Senator MUNDT. Didn't you find out from the attorney general?

Did you say that the attorney general got the ammunition?

Mr. CAPELLE. No; the sheriff got the ammunition. He came out with the district attorney, and they told me that the attorney general had ordered the sheriff to do that.

Senator MUNDT. It was the attorney general of the State?

Mr. CAPELLE. Yes, sir.

Senator MUNDT. The district attorney asked the sheriff to get the tear gas?

Mr. CAPELLE. Whether it was that way or the reverse, I don't know.

Mr. KENNEDY. Mr. Chairman, I might say on this that Mr. Bellino has gone through the records of the Kohler Co. on this question, and has a list of all of that. Perhaps we could have him testify to that.

Senator GOLDWATER. Mr. Chairman, may I ask a question of counsel? I have no objection to looking at another gun. I have seen quite a few of them in my life. There has never been any denial by the

company that these guns were owned. There has never been any use of the tear gas, or use of the guns, in a strike, either by the union or by the company, or by the police or by the sheriff.

I can't see what is so relevant about bringing a gun up here to display before these people, and bringing tear-gas shells up. I have no objection to it, but I do not see what it is adding to this case.

Mr. KENNEDY. I just said that we had the gun down, if you would like to see the gun. If nobody wants to see the gun, that is fine.

Senator GOLDWATER. I think it is fine that the counsel subpoenaed a gun and brought it all the way down here from Wisconsin.

The CHAIRMAN. The Chair is going to see the gun. I have never seen one.

Senator GOLDWATER. Fine. But that does not answer my question. I asked what is this line of reasoning supposed to produce, inasmuch as there has never been any denial or use.

The CHAIRMAN. I can point out some use of it. A situation developed out there where law and order broke down, period. You had mass picketing on one side. The claim is going to be made that that mass picketing was inspired, to some extent, by preparations being made on the other side, and by past experiences in a strike, out there. All I want is to get the whole truth, and I don't care where the blame lies.

Senator GOLDWATER. I will ask the question then: Is there anything illegal in Wisconsin in the possession of shotguns or tear gas or tear-gas guns? Has the company violated a law?

The CHAIRMAN. I don't know.

Senator GOLDWATER. I would like to have that question answered. Is it against the law?

The CHAIRMAN. Is it? I will ask the witness.

Senator GOLDWATER. I am not a lawyer, and counsel is. I am asking if that is against the law.

The CHAIRMAN. I am asking the witness.

Senator GOLDWATER. I am sorry.

The CHAIRMAN. Do you know?

Mr. CAPELLE. Not if you are a deputy. You may possess tear gas.

The CHAIRMAN. As long as the Kohler men and officers were deputies, they could possess tear gas?

Mr. CAPELLE. Yes, sir, that is right, sir.

The CHAIRMAN. When their deputy cards were withdrawn, then they no longer had the legal right to possession of it, is that correct?

Mr. CAPELLE. That is correct.

The CHAIRMAN. Was it at that time that the deputy cards were withdrawn that the tear gas was turned over?

Mr. CAPELLE. That is right, sir.

Senator ERVIN. If I may make an observation, I don't think anything has been admitted here by anybody. One of the reasons that I favor a procedure which would allow a spokesman from each side to state their contentions was because I thought that a great many matters might be eliminated from the case, from the matter under investigation, and we might save a great deal of time.

That was the reason that I supported the motions to allow a spokesman from each side to make a statement, a written statement, of the contentions of that side, and that is why I also believe that each side,

because this is, in a sense, different from any other investigation we have had in that we have contending parties for the first time, I think, before the committee—we have two separate groups making allegations.

Of course, we did not have those preliminary statements. There have been no preliminary statements on the part of the Kohler Co., stating their contentions, and no preliminary statement on the part of the UAW stating their contentions, we have nothing admitted on either side. Therefore, it is necessary to bring out all of the facts. I would like to ask the chief a question at this time. I would like to state there is no use for us to try to keep a whole lot of things wrapped up in cellophane in this procedure.

Chief, as a matter of fact, the training of peace officers in the use of tear gas is a part of the training of police officers against the eventuality of having to perform riot duty, is it not?

Mr. CAPELLE. That is part of the reasons.

Senator ERVIN. And the use of tear gas is the use of an instrument, of a weapon, or an agency, which is to suppress rioting, which is less harmful than the use of firearms, shooting a steel or a lead bullet, is it not?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. And it is on the question of riots that the use of tear gas is a more humane thing, than merely allowing officers to be armed with weapons which are so lethal as revolvers and machine guns, is that not true, according to theorists?

Mr. CAPELLE. Yes, sir.

Senator ERVIN. I will ask you this. I may be wrong in such inferences as I have thus far drawn, but from your observation of the strike there, did you not come to the conclusion that there was a very substantial number of the employees of the Kohler Co. who desired to go on strike, and also a substantial number of the employees of the Kohler Co. who did not desire to go on strike, but who preferred to continue to work?

Is that a correct statement?

Mr. CAPELLE. Yes, sir.

Senator ERVIN. And there was a great deal of interchange of remarks between the two groups, was there not?

Mr. CAPELLE. Interchange of what?

Senator ERVIN. Remarks. One group very frequently had some remarks to make about the other one, did they not?

Mr. CAPELLE. Yes, sir.

Senator ERVIN. And they were not very complimentary, were they, on many occasions?

Mr. CAPELLE. That is right, sir.

Senator ERVIN. And from your observation of conditions there, there was danger as a result of the tensions that had been built up, there was danger of serious trouble at any time, was there not, that is, during the mass picketing?

Mr. CAPELLE. Yes, sir.

Senator ERVIN. So you deemed it important to have some men trained, if possible, in the use of tear gas so that in case some serious riot did develop, you could attempt to suppress it in that manner rather than by the use of bullets?

Mr. CAPELLE. Yes, sir.

Senator ERVIN. That is one reason I do not understand why the district attorney, or whoever it was, instead of organizing a humane society, didn't just come out and swear them and face the facts and not try to wrap things up in cellophane.

I cannot conceive of the necessity of the police having machine guns to protect any kind of animals against any kind of humane treatment.

I think that we might get along a little better in this investigation if we all assume that we are intelligent people, and we are a committee that is familiar with some of the facts of life, and who know that Clarence Darrow was not far wrong when he said that in strike situations, where some of the folks want to go on strike, and some do not, where the management is fighting the strikers, a situation builds up in which the people involved on both sides have something of the spirit that people have in war, in which they yield to the temptation to do things, which, as reasonable human beings, uninfluenced by the tensions that surround them, they would never consider doing. Do you agree with what Clarence Darrow said about that, from your observations?

Mr. CAPELLE. Yes. There are a lot of them that have done things that maybe they wouldn't have.

Senator ERVIN. In that kind of a situation, officers that are trying to keep the peace are in a very unfortunate situation. They are trying to keep down violence, they are trying to protect the legal rights of parties; at the same time, they realize that sometimes if they resort to drastic action, they might cause a situation in which lives would be lost, is that not true?

Mr. CAPELLE. Yes, sir.

Senator ERVIN. And it was your attempt as chief of police to attempt to prevent that kind of a situation from arising, if humanly possible?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. May I ask you, of the tear gas that you took up—just a moment. Just a moment. I am trying to interrogate the witness. Are these the two different kinds of shells that you referred to?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. The one in my right hand, the red one, does what?

Mr. CAPELLE. That is a long-flight or long-distance shell.

The CHAIRMAN. A long-distance shell?

Mr. CAPELLE. Yes.

The CHAIRMAN. If you had to shoot it a hundred yards, through a window, and try to get them out of the building or barricade, you would use this one, the red one?

Mr. CAPELLE. Yes.

The CHAIRMAN. What is this other one for?

Mr. CAPELLE. The gas comes right out of the muzzle of the gun.

The CHAIRMAN. Right out of the muzzle of the gun?

Mr. CAPELLE. Yes, sir. It is a short-range shell.

The CHAIRMAN. A short range?

Mr. CAPELLE. Yes.

The CHAIRMAN. Suppose from my position here, looking toward the audience, I wanted to dispell that group there, and I had this gun, I would just shoot right into them and the gas would all spread out right here among the group?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. But if I wanted to shoot over into the building across the street, through a window, and get them out of there, I would use this red one; is that right?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. What kind of a weapon is used for these?

Mr. CAPELLE. A 1.5 caliber gas gun.

The CHAIRMAN. Is this the kind of weapon that is used?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. Now we have an idea of exactly what was going on. Senator ERVIN.

Senator ERVIN. Chief, the tear gas is gas which irritates the eyes of people when it gets in them, and causes tears to flow, and makes the eyes smart, and makes it difficult to see, doesn't it?

Mr. CAPELLE. That is right, sir.

Senator ERVIN. And it does not cause a premanent injury to the eyes or the vision, does it?

Mr. CAPELLE. No, sir.

Senator ERVIN. It is a temporary disabling thing?

Mr. CAPELLE. Yes, sir.

Senator ERVIN. That is all.

The CHAIRMAN. Proceed.

Mr. KENNEDY. These are the things that were taken from the Kohler Co.; is that right?

Mr. CAPELLE. So I understand.

Senator GOLDWATER. Mr. Chairman, may I interject there?

Were these taken from the Kohler Co. or did the Kohler Co. walk down and give them to you?

Mr. CAPELLE. The Kohler Co. came down to the police department and turned these packages over to me; yes, sir.

Senator GOLDWATER. Now, once again, was there any violation of any law in the Kohler Co. having these guns or the tear gas?

Mr. CAPELLE. No, sir.

Senator GOLDWATER. It was merely their preparation for what they feared might be a rough strike, and which has proven to be a rough strike?

Mr. CAPELLE. Yes, sir.

Senator GOLDWATER. I might say again that they had ample justification for expecting a rough strike, because of 13 strikes that the Bureau of Labor Statistics reports on, prior to this engaged in by the CIO, had 37 deaths. This is not an isolated example. This is an example of what this union has been doing in violence ever since its inception. I think the Kohler Co., I think the police chief, and the sheriff, were perfectly right in anticipating trouble.

The CHAIRMAN. The Chair wants to say that I am only trying to get the facts. I haven't blamed the Kohler Co. for getting some tear gas and some tear guns, not at all. As I understood it, it was legal for them to have it as long as they had deputy commission cards. Is that correct?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. When the cards were withdrawn, they came down and turned over these supplies; is that correct?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. I am simply trying to get the facts. The Kohler Co. may have had full justification for assuming that they were going

to have considerable violence, and they may have assumed justly so, I don't know, that it took these kinds of weapons to protect their property and protect their rights. That I am not passing on. But let's get the facts and get it all out here. Then we can evaluate it.

Proceed.

Mr. KENNEDY. I had asked in an earlier question, Mr. Chairman, about Mr. Bellino going through the records of the Kohler Co. and he has the records as to what preparations were taken along this line, if you want to put those into the record at the present time.

The CHAIRMAN. Come forward, Mr. Bellino. I do not want any misunderstanding about this. The Kohler Co. is going to be given an opportunity by its witnesses to say why it did this, because of its past experience, because of the reputation of this union, or any other reason it wants to give for justifying it. It will be heard and we will get all of the facts on the record. Each Senator of this committee, and Members of Congress and others who are interested, can draw their own conclusions.

The CHAIRMAN. Mr. Bellino, be sworn.

Do you solemnly swear the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BELLINO. I do.

TESTIMONY OF CARMINE S. BELLINO

The CHAIRMAN. Mr. Bellino, you are a member of the staff of this committee?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. You have been employed by this committee since its inception?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. And you were previously employed, and in fact you are on loan, I believe, from the Permanent Investigation Subcommittee of the Government Operations Committee?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. Mr. Bellino, did you make an inspection of the company's books with respect to the ammunition and weapons it may have had on hand?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. You may proceed to testify.

Mr. KENNEDY. As to the dates and everything, Mr. Bellino.

Mr. BELLINO. With reference to the purchase of guns and ammunition by the Kohler Co., I find that from 1952 through 1955 they purchased twenty 12-gage Remington shotguns, 20-inch barrel, No. M-870-R. Eight of them were purchased February 10, 1953, and 12 purchased June 7, 1955. There were gas guns, 1½-inch, 37-millimeter, gas riot guns purchased, August 12, 1953. There were 375 gas shells on February 12, 1953. There were 25 speed-heater gas shells purchased and 50 short-range tear-gas shells.

On April 8, 1954, there were 150 short-range gas shells purchased, and 150 speed-heater gas shells purchased, for a total of 375.

The CHAIRMAN. Have you talked with the officers of the company about this, about these purchases?

Mr. BELLINO. Yes, sir, and they have furnished all invoices in connection with the purchases, which we could make an exhibit for reference.

The CHAIRMAN. What you have testified to here is from their records which they supplied?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. And you have talked to them about it and they agreed these records are correct?

Mr. BELLINO. I have not compared my figures with theirs, except they have given me an inventory, and they seem to be substantially correct, except that on ammunition, the inventory is as of February 7, 1958, whereas these are all purchases, and some of it could have been used.

The CHAIRMAN. The inventory that you have supplied by them may be made exhibit No. 14.

(The document referred to was marked Exhibit No. 14 for reference, and will be found in the appendix on p. 8742.)

Mr. BELLINO. That shows there were 18 12-gage Remington shotguns on hand; 20 .38 caliber S. & W. pistols; 825 12-gage shotgun shells, 9,500 rounds of .38 caliber cartridges, and 2,500 rounds of .22 long-range cartridges. They stated that they transferred to the chief of police in May of 1957, 2 tear gas guns and 375 rounds of tear gas ammunition.

The CHAIRMAN. These shotguns were not transferred, so far as you know?

Mr. BELLINO. No, sir.

Mr. KENNEDY. When was the transfer made?

Mr. BELLINO. In May 1957 was Mr. Conger's best recollection when he gave me this information.

Mr. KENNEDY. The court order shows August of 1955, but maybe that can be clarified. Do you want to go on with the records?

Mr. BELLINO. Revolvers, there were a total of 22 purchased. I believe two of them might have been for personal use of the officers. In May 1952, May 13, 6 were purchased; June 13, 1952, 5; August 1, 1952, 1; February 13, 1953, 6. .38 Cobra 2-inch barrel was purchased February 25, 1953, and two of them on February 25, 1953, .38 special S. & W. Chief, two-inch barrel, purchased April 24, 1953; and a .45 ACP Colt Commander, Zephyr, purchased June 24, 1952.

Ammunition: .38 special cartridges, a total of 24,000 rounds, purchased from May 13, 1952, through March 3, 1953.

Senator ERVIN. What caliber was that?

Mr. BELLINO. .38, special. Also in ammunition there was 2,000 rounds of .22 long rifle, high speed, purchased June 16, 1952, and 600 rounds of .45 caliber purchased June 16, 1952. There were 12,000 rounds of primers, 6 cans of powder, 9,200 shotgun shells, 12 gage. Some of it, which was 00 buck, and most of it was number 7 and a half trapload shot, purchased from July 7, 1952, through June of 1955.

The CHAIRMAN. Let me ask you a question: Is there anything in the record to indicate now whether a lot of this ammunition and so forth you are talking about was purchased for the purpose of the strike?

I understood they had a shooting range down there, and they have a trap—I don't know, but I think they have one of these places, these

trap things, where they practice shooting clay pigeons and so forth. Is a lot of this material you are reading now adaptable to that sort of sport?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. Some of it is not necessarily the kind of equipment you would buy to engage in a riot?

Mr. BELLINO. That is correct.

The CHAIRMAN. It might be used as well for training purposes?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. The fact that all of this stuff was purchased, could I ask if it was purchased out of company funds?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. Paid for out of company funds?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. I think the company, of course, should have the right to come in and explain what was purchased for one purpose or another, and what part of it was purchased for anticipating a strike. They can so state and explain, whether they did it out of fear and violence of destruction of their property, or whether they did it for some other reason. They will be given the opportunity to tell us about it.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Mr. Bellino, is there a rifle club or a club of that nature at Kohler?

Mr. BELLINO. Yes, sir; there are indications that there is a rifle range club at Kohler.

Senator GOLDWATER. Is there a skeet range or a trap range for shooting clay pigeons with shotguns?

Mr. BELLINO. I have not seen it, but I presume there would be, by the type of ammunition they have purchased.

Senator GOLDWATER. You went through the books, did you not?

Mr. BELLINO. I have examined their books; yes, sir.

Senator GOLDWATER. Is there any indication in the books that there was this kind of an organization?

Mr. BELLINO. Well, the bills that I have indicate there is a rifle-range club.

Senator GOLDWATER. How do the bills indicate that?

Mr. BELLINO. They would send the order through in some cases.

Senator GOLDWATER. Who would send the order through?

Mr. BELLINO. An officer from the rifle-range club, through the plant.

Senator GOLDWATER. Were they employees of the plant?

Mr. BELLINO. I would presume so, but I didn't question, Senator, to determine whether they were or not.

Senator GOLDWATER. What percentage of the ammunition that you listed would be ammunition purchased for the use of this club?

Mr. BELLINO. I don't have it broken down, but I will be glad to work it up, Senator.

Senator GOLDWATER. I want that. Will you please do that?

Mr. BELLINO. Yes, sir.

Senator GOLDWATER. What percentage of the weapons or guns that you listed are of the type that would be used for rifle-range purposes?

Mr. BELLINO. It depends upon their range, Senator. I don't know what their range is. We would have to inquire and determine that.

Senator GOLDWATER. How many guards does the plant have, do you know? Just regular guards on their payroll.

Mr. BELLINO. I have a schedule to be more accurate. I am guessing now, and I would say 20, but I am not certain.

Senator GOLDWATER. I would like to have you supply the committee with that information.

Mr. BELLINO. Yes, sir.

Senator GOLDWATER. Do you have any bills there that you could show us that indicate the purchase of ammunition for the club?

Mr. BELLINO. I believe so; yes, sir.

Senator GOLDWATER. I would like to see them.

On 12-gage, No. 8 traploads, how many rounds of ammunition did you indicate on that?

Mr. BELLINO. On the traploads?

Senator GOLDWATER. Yes.

Mr. BELLINO. No. 8?

Senator GOLDWATER. Yes.

Mr. BELLINO. 3,500 rounds.

Senator GOLDWATER. They have it listed as two cases. How many rounds are in a case?

Mr. BELLINO. The shooters' bible is downstairs. I don't know offhand.

Senator GOLDWATER. Did you break all of these down from caseloads to individual rounds?

Mr. BELLINO. No, sir. There was only one that had to be broken down by caseloads. The invoices showed the individual rounds.

Senator GOLDWATER. This says:

Please enter our order for 2 cases of 12-gage, No. 8 traploads, Remington, regular shot shells.

Why did you break that down into 3,500? I am interested in why you didn't mention two cases?

Mr. BELLINO. Because the invoice that is in here shows that on August 30, there was No. 8, 1,000 rounds, August 30, 1954.

Senator GOLDWATER. What year was that?

Mr. BELLINO. That is 1954.

Senator GOLDWATER. I am talking about March 22, 1955.

Mr. BELLINO. March 22, 1955? There is 1,000 rounds on March 22, 1955.

Senator GOLDWATER. That would be 500 rounds to a case. Did the inventory mention rounds or cases?

Mr. BELLINO. I would say it said rounds. I am not certain now on that particular invoice unless I looked it up.

Senator GOLDWATER. Do you have the invoice handy?

Mr. BELLINO. I don't see it in the order in which it should be.

Senator GOLDWATER. Well, not to hold up the hearing, would you supply that to me for the afternoon hearing?

Mr. BELLINO. Yes, sir.

Senator GOLDWATER. Mr. Bellino, in looking through the invoices and the records, did you find any invoices for clay pigeons?

Mr. BELLINO. I believe there was some reference to that.

Senator GOLDWATER. You looked through the books. Do you know or don't you know?

Mr. BELLINO. I believe—yes, sir; there were.

Senator GOLDWATER. Do you have records of those?

Mr. BELLINO. Blue rock targets, I believe, are the clay pigeons.

Senator GOLDWATER. How many did they buy, how many clay pigeons?

Mr. BELLINO. They purchased 2,400 clay pigeons of various targets. Of blue rock targets, they purchased 2,000.

Senator GOLDWATER. Blue rock targets. That is, I believe, the clay pigeons.

Mr. BELLINO. Yes, sir.

Senator GOLDWATER. How about targets for small-bore range work?

Mr. BELLINO. Yes, sir. Police-training targets and also paper targets and other targets, 400.

Senator GOLDWATER. How many?

Mr. BELLINO. 400 of those.

Senator GOLDWATER. This is for the whole period that you are discussing from 1953, I think you said?

Mr. BELLINO. These targets were purchased, according to the records, in 1952 and 1953.

Senator GOLDWATER. Have there been any purchases in 1954, 1955, 1956, and 1957?

Mr. BELLINO. We didn't find any of any targets; no, sir.

Senator GOLDWATER. Have you checked these records up to date?

Mr. BELLINO. I checked what was given to me, which I presumed was up to date. I cannot say that I had every one, Senator.

Senator GOLDWATER. What were the latest invoices you had on ammunition, guns, or targets?

Mr. BELLINO. The latest I recall were in June of 1955.

Senator GOLDWATER. Is the gun club still active?

Mr. BELLINO. I couldn't answer that question, Senator.

Senator GOLDWATER. Did you ask the question while you were there?

Mr. BELLINO. No, sir.

Senator GOLDWATER. Didn't you think it was pertinent?

Mr. BELLINO. My mission was to get what was in the records at this point.

Senator GOLDWATER. Your mission was to——

Mr. BELLINO. To determine what was in the records.

Senator GOLDWATER. You weren't interested in what they were purchased for?

Mr. BELLINO. I know what they were purchased for. There is a rifle range there, Senator, in addition. That is one of the purposes, at any rate. I don't know what the rest of the purposes were.

Senator GOLDWATER. Would it be possible for you to check and see what has been purchased since 1955 for the purposes of rifle-range and clay-pigeon shooting?

Mr. BELLINO. I might say, Senator, I recall Mr. Conger telling me that the purpose of buying the guns and ammunition was to protect themselves and protect their property.

Senator GOLDWATER. I am not disputing that. I think that has been pretty well exhibited here this morning. But I would be interested to know if the purchase of target types of ammunition and the targets themselves, target-type rifles or hand guns, had any unusual pattern during the years of 1953 to 1955, how long the rifle club has been in

existence, and what type of purchases have been made since then. I would appreciate your trying to get that information so we can put it into the record.

Mr. BELLINO. I don't know quite what you would mean by unusual patterns, Senator.

Senator GOLDWATER. Well, here we have a pattern of 1952, 1953, 1954, and 1955. We have a period of about 4 years. Was there more ammunition purchased for target purposes during that 4 years than the previous 4 years, or, if you want to break it into 2, in the 2 years since?

Mr. BELLINO. Most of the ammunition was purchased in 1952 and 1953.

Senator GOLDWATER. Did you look at the books prior to 1952 and 1953?

Mr. BELLINO. I looked at the books principally for 1954.

Senator GOLDWATER. Did you look at any books with the idea of obtaining information on the purchase of guns or ammunition prior to 1952?

Mr. BELLINO. Senator, I asked for their invoices on gun purchases, and they handed me their folder, which we photostated—most of the invoices—and this is what they had in their folder, which was kept separate for purchases going back to 1952.

Senator GOLDWATER. It isn't answering my question. Did you go back into the records prior to 1952?

Mr. BELLINO. No, sir.

Senator GOLDWATER. The next time you have a chance to look at their books, would you do that, so we might make a complete record for comparison? I don't know how long the gun club has been in existence.

Mr. BELLINO. The company hopes there is no next time.

Senator GOLDWATER. I imagine all of us hope there is no next time. I think it is important information to have. I have one other question.

The CHAIRMAN. Do you know whether you got all of their records or not?

Mr. BELLINO. I would say, Senator, the way the treasurer kept these records was their folder of all gun purchases, and they seemed to have a very good system of recordkeeping and accounts.

I would say that I do have most of them.

The CHAIRMAN. The question is, what years did you request invoices for with respect to this information?

Mr. BELLINO. I requested all of their invoices on gun purchases, and they handed me their folder which covered purchases from 1952 on. Apparently, I would say, they didn't buy any before that, and I don't know.

The CHAIRMAN. Well, you made a request, and as I understand, they were cooperating, and they were supplying any records you requested?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. They were not subpoenaed, because they had agreed to supply them, is that correct?

Mr. BELLINO. We did issue one subpoena to Mr. Conger, but they were giving us any records whether they were in the subpoena or not and they were cooperating.

The CHAIRMAN. That is what I mean. They were cooperating and they were giving you any records that you asked for?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. And these are the records that they gave when you asked for their records of ammunition?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. I just wondered if there was any question about it, as to whether you got all of the records or not. I understand it was a kind of voluntary arrangement. If there is any doubt about whether all of the records have been given to you or not, I would want to call a responsible party representing the Kohler Co. and inquire whether all of the records have been supplied.

Mr. BELLINO. Insofar as the guns and ammunition, I would say they did hand me everything, but I don't know, of course.

The CHAIRMAN. Is there any doubt about it? I would be very glad to call around a representative of the company and inquire right now. If we do not have all of the records, we will get them.

Mr. CONGER. Might I intervene at this time?

The CHAIRMAN. You are attorney for them, are you?

Mr. CONGER. Yes, sir.

The CHAIRMAN. Who do you have here representing the company that can testify with respect to these records, whether they are all of them or not?

Mr. CONGER. I am sorry, I guess I am the only one, because I am the one that Mr. Bellino contacted and the only one who could say what he asked for.

The CHAIRMAN. All right, come around. Will you be sworn?

You do swear that the evidence you shall give this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CONGER. I do.

The CHAIRMAN. Mr. Chief, will you stand aside for a moment, and Mr. Bellino remain right there. All right.

TESTIMONY OF LYMAN C. CONGER

The CHAIRMAN. State your name and your residence and your business or occupation.

Mr. CONGER. My name is Lyman C. Conger. I am attorney for the Kohler Co. and also chairman of the management committee, and also hold the title of assistant secretary.

The CHAIRMAN. Mr. Conger, in the capacity you occupy with the company, are you in charge of its records and invoices of purchases?

Mr. CONGER. No, sir; I am not directly, but when Mr. Bellino served the subpoena upon me, calling for certain records, I didn't quibble about whether they were actually in my custody or not. We turned over to him everything that he asked for.

The CHAIRMAN. Are the records that you turned over to him all of your records with respect to the acquisition and purchasing of ammunition and weapons?

Mr. CONGER. By no means, Senator. We have had a gun club there, a rifle club, at least 35 years, and we have pistol clubs, and we have trapshooting clubs.

The CHAIRMAN. Is that trapshooting?

Mr. CONGER. It is trapshooting and not crapshooting, Senator. And we turned over to him the records of the years that he requested.

The CHAIRMAN. What years were those?

Mr. CONGER. The years, I think he asked for 1954, 1953, and 1952. He made no request of me for any records prior to that time.

The CHAIRMAN. For the 3 years?

Mr. CONGER. Yes, sir.

The CHAIRMAN. So these do represent the records for the 3 years?

Mr. CONGER. Yes, but I may say, Senator, that they represent records which included a great deal of material that went to the trapshooting club, and a great deal of material that was used for training of guards, the .38 caliber cartridges that are mentioned in here.

I might state, if I had been asked the question at the time, that the 4 pounds of powder went to me personally, and that I used it for hand-loading pistol cartridges which were used for training the guards in the plant.

The CHAIRMAN. All of this we will get to. You will be given a chance to make every statement about it that you think is proper and the committee thinks proper. I was just trying to determine now what records we actually had. We have them, according to you, all of your records for those 4 years, or 3 years. That is 1952, 1953, and 1954. Is that correct?

Mr. CONGER. Yes, but, Senator, I would like at this time to enter a protest against this procedure of having an investigator come out and take certain records, not ask anyone what those records were, whether they had any connection with the strike or not, and then come here and introduce them and say the company can come along later and explain them.

The CHAIRMAN. Now wait a moment. This witness that you are referring to is not the committee. The committee is doing this, and I am trying to be just as fair to you as I know how. I called you in here now to get an explanation of whether these are all of the records, and there has been some question about it. The Chair has already stated that probably a lot of this ammunition and so forth was being used for other purposes altogether unrelated to the strike. I do not know how to be any fairer to you, and I can't have two witnesses talking at the same time and get any sense.

Mr. CONGER. I am not criticizing the chairman, please make that obvious.

The CHAIRMAN. Well, you are. I am the one that placed him on the witness stand, and I am trying to get the truth about the records. What is the objection to that?

Mr. CONGER. My objection, Senator, is that I would have liked to have had Mr. Bellino ask us at the time what these records meant, and what they were.

The CHAIRMAN. We get the records, and we are going to ask you what they mean, and what they are. This is the place where the testimony is to be developed.

Are there any further questions? I want to say this: I want the two of you, Mr. Bellino, and I want you and Mr. Conger to go over these and come in here with an accurate breakdown of these 3 years, at least, of that part of the ammunition and equipment and so forth, and arms, that Mr. Conger wants to testify is unrelated to the strike, or unrelated to this difficulty. I want to get the facts. That is all.

I suggest you two work it out together, so we can have the truth laid right before us.

Are there any further questions?

Senator MUNDT. You are dismissing the witness?

The CHAIRMAN. I asked if there are any further questions, and I haven't dismissed the witness.

SenaoR GOLDWATER. Before Mr. Conger gets off the stand, had you given this information to investigators prior to Mr. Bellino coming up there?

Mr. CONGER. Yes, I gave part of it. I gave the information on the gas to Mr. Vern Johnson, an investigator for the committee, about 4 or 5 months before Mr. Bellino came there. I also believe I gave him the information on the shotguns, and I am not positive of that.

Senator GOLDWATER. Well, Mr. Conger, briefly, why did you think the company should prepare for violence in 1952 or 1953 or whenever it was?

Mr. CONGER. Because we knew of the past record of the UAW in the strikes that they had conducted, and we had very little confidence in receiving protection from the sheriff of Sheboygan County.

The CHAIRMAN. Are there any other questions?

All right, you may stand aside.

Are there any other questions of Mr. Bellino?

TESTIMONY OF CARMINE S. BELLINO—Resumed

Mr. KENNEDY. I want to make sure we get it all in the record.

Mr. BELLINO. There are 6 binoculars purchased February 8, 1953, about 300 Army cots purchased on February 7 and April 13, 1954, for a total of 308 Army cots, and 300 sleeping bags purchased February 7, 1953, and 8-burner restaurant-type Magic Chef stoves purchased February 13, 1953. A burner gas stove purchased February 13, 1953, and a round stove purchased February 14, 1953.

The CHAIRMAN. What do those stoves have to do with it?

Mr. BELLINO. This is what they had among their invoices that were purchased at that time, and I don't know. We could ask them what the purpose of it was, Senator.

The CHAIRMAN. I can understand the purchases of ammunition, but did he turn over the purchases of stoves and so forth?

Mr. BELLINO. These were all among the invoices, yes, sir.

Senator MUNDT. On what basis, what did you ask him for specifically, and I don't quite get what cots and stoves have to do with it. In response to what request did he give you that information? Could you read the subpoena request, or could you clarify that?

Mr. BELLINO. I believe my request may have been for purchases of material—sleeping bags or Army cots and so on—in connection with the preparation for a strike. That is my recollection. But I think that these were all in the whole batch of invoices that they brought in to me when the gun invoices and so on came in, and I can't say for sure on that, Senator.

Senator MUNDT. Do you have a copy of your request in writing?

Mr. BELLINO. No, sir; it was not made in writing; no sir, and we don't usually make our requests in writing.

Senator MUNDT. I can see how, if you ask him, "What purchases did you make preparatory to the strike or prior to the strike?" maybe

sleeping cots and stoves could have bought on the assumption that a workingman gets in and he couldn't get out.

The CHAIRMAN. They may have anticipated some kind of a siege and were making preparations.

Senator MUNDT. May I ask you what years did you ask him to supply the material for?

Mr. BELLINO. I would say from 1952 on, that is the only information on it, that I had any question of any union activity in which there was preparation for a strike, and I asked from 1952 on.

Senator MUNDT. You didn't go back before 1952?

Mr. BELLINO. No, sir. They had their own Kohler workers association in there before, and the last strike was in 1934, and I didn't want to go back to 1934.

Senator MUNDT. I was just trying to get some basis of comparison, whether they were buying more for their range, or rifle clubs and pistol clubs, and so forth, in these years than in prior year; and, unless you have some norm to go by, you can't tell whether they stepped it up or not.

Mr. BELLINO. We could get that from the company and compare it, but I didn't do it for that purpose.

Senator MUNDT. You asked them for all purchases which could conceivably be considered preparatory to a strike, beginning in 1952?

Mr. BELLINO. Yes, sir.

Senator MUNDT. That is how you got your stoves in there?

Mr. BELLINO. Yes, sir, and they also purchased 50 McDonald-type T safety hats on February 5, 1953, and on April 29, 1954, 11 referee whistles were purchased, and May 1, 1954, 4 wooden barricades.

Mr. KENNEDY. Wooden barricades?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. I may need one of those barricades.

Mr. KENNEDY. These purchases started in 1952?

Mr. BELLINO. In February of 1952, I believe they started.

Mr. KENNEDY. April, I believe it was.

The CHAIRMAN. Will the police chief come back to the stand?

Senator GOLDWATER. I have one more question. Mr. Bellino, while you were up there looking at the company's records, did you make a request of the union to supply you with invoices that they might have had in preparation for a strike?

Mr. BELLINO. I asked for invoices in connection with their strike expenses.

Senator GOLDWATER. How about their prestrike expenses?

Mr. BELLINO. I did not know of any prestrike expenses to ask for, Senator, and I can't think of anything that they would have prestrike, because the union does not ordinarily know they are actually going on strike until the actual day of the strike.

There is always some way of getting together.

Senator GOLDWATER. Did you think there might be guns or gas or cots or sleeping bags in the possession of the union?

Mr. BELLINO. No, sir; I had no reason to think so.

Senator GOLDWATER. Did you find out?

Mr. BELLINO. I had no reason to believe that or to ask.

Senator GOLDWATER. Why didn't you?

Mr. BELLINO. You don't ask questions unless you have some reason to ask the question, and I had no reason to ask the question.

Senator GOLDWATER. You did not have any reason to ask?

Mr. BELLINO. As to whether they had sleeping bags before April 5.

Senator GOLDWATER. I am talking about guns; and can you testify—you are supposed to have looked at the books and I think that is what you were sent up there for—that the unions had no guns or tear gas? I am not saying they did, and I haven't even heard that they did.

Mr. BELLINO. I can't testify that they either did or did not, Senator.

Senator GOLDWATER. You did not look at the books for that purpose?

Mr. BELLINO. Any of the invoices I saw, I did not see any gun purchases that I recall.

Senator GOLDWATER. You looked at one side of this, but not both sides?

Mr. BELLINO. I looked at both sides, Senator.

Senator GOLDWATER. But did you not look at both sides with the same scrutiny?

Mr. BELLINO. I looked at both sides with the same scrutiny, Senator.

Senator MUNDT. I think the question is, Did you ask specifically for the same information from both sides?

Mr. BELLINO. Yes, sir; I asked for all invoices and a summary of their expenses.

Senator MUNDT. I haven't finished my question. You told us what you asked the company, to give you all of the invoices which might conceivably indicate purchases preparatory to a strike. I think that is what you said you asked the company; is that right?

Mr. BELLINO. Yes, sir; because I had seen a schedule of purchases that they had, that the company had.

Senator MUNDT. Did you ask the same specific question of the union and get from them a sworn statement on the same question?

Mr. BELLINO. I did not see any schedule of any purchases before the strike, Senator, with regard to Kohler.

Senator MUNDT. Now, could you answer "Yes" or "No"? Did you ask the same specific question of the union, for the same information preparatory to the strike?

Mr. BELLINO. I did not ask the same specific question; no, sir.

Senator MUNDT. That is what I wanted to get.

Senator GOLDWATER. Mr. Bellino, you have been to Detroit?

Mr. BELLINO. Yes, sir.

Senator GOLDWATER. Did you look at the union books in Detroit?

Mr. BELLINO. Yes, sir.

Senator GOLDWATER. Did you find any indications in Detroit from the union books that would indicate preparations for a strike?

Mr. BELLINO. Of this same nature; no, sir.

Senator GOLDWATER. No; this strike. We are not talking about any old strike; this strike.

Mr. BELLINO. I did not find anything prior to April 5, Senator. I recall reading the minutes.

Senator GOLDWATER. What year?

Mr. BELLINO. Of 1954. I recall reading the minutes of one of the unions, that they indicated the Kohler workers were inexperienced in strikes, and that they should send some of their men from Detroit to help them out and conduct a strike.

I recall that, and that was around possibly April 20, of 1954.

Senator GOLDWATER. That is all.

The CHAIRMAN. Did you have any information that the union had purchased weapons preparatory to the strike?

Mr. BELLINO. No, sir.

The CHAIRMAN. Or ammunition?

Mr. BELLINO. No, sir; nor have I any to this date.

The CHAIRMAN. There is a little confusion here about the years that you inquired about. I think Mr. Conger said maybe that you only inquired for 3 years, 1952 or 1953 and 1954?

Mr. BELLINO. That may be correct, Senator, because I did not go prior to 1952. I had no reason to. The union was not in there prior to 1952.

The CHAIRMAN. Did you go into 1955 and 1956?

Mr. BELLINO. We did not have time to go into 1955, other than what they handed us, Senator. There are some 1955 bills in here, because they are all kept together, and those I examined.

But there are thousands of invoices, and thousands of checks in 1955 and 1956. If we had to look them over we would still be there. It was a question of getting what they had put together, and that was sufficient for the committee, I felt, to understand what the situation was.

The CHAIRMAN. Are there any other questions?

Senator KENNEDY. I came in late, Mr. Bellino, and there seems to be some indication that you were more thorough about the company than you were about the union. Now, I personally resent that, as you have been one of the most valuable members of the staff during many different investigations. Now, was there an accountant to your knowledge sent up to investigate the union?

Mr. BELLINO. Yes, sir.

Senator KENNEDY. What was his name?

Mr. BELLINO. Mr. Robert Worrath.

Senator KENNEDY. How long was he up there?

Mr. BELLINO. I believe he started with the union books either in September or October of 1957.

Senator KENNEDY. Did he have the responsibility of investigating the company, too?

Mr. BELLINO. Yes, sir.

Senator KENNEDY. Did he investigate the company?

Mr. BELLINO. Yes, sir.

Senator KENNEDY. He investigated both the company—

Mr. BELLINO. He had the responsibility, and whether he examined any of the records I don't know.

Senator KENNEDY. Is there a record of his examining into the company, or did he just examine into the union?

Mr. BELLINO. We would say from our knowledge, he did not examine any records of the company.

Senator KENNEDY. He examined just the union's records?

Mr. BELLINO. Yes, sir.

Senator KENNEDY. Now, when you went out there, as I understand it, because there had not been an adequate investigation made of the company's books, you were specifically charged with investigating them, because an investigation had already been made of the union's books, is that right?

Mr. BELLINO. Yes, sir; and if you will recall Senator, we felt that if we are going to look into the records, we must look at the records

of both the union and the company. I was sent for that purpose to look at both the union records and the company records.

Senator KENNEDY. You went to investigate both, or just the company, because Mr. Worrath investigated the union?

Mr. BELLINO. Mr. Worrath had examined or he had all of the records available for some reason or other, he ordered them all to go back to the union. So at the time that we were looking into the matter, the records were back in the possession of the union. So we felt that we should look at both the union and the company.

Senator KENNEDY. From your long experience with this committee, and with the FBI beforehand, was as detailed an examination made of the union by either you or members of this staff, of their books, as was made of the company?

Mr. BELLINO. Yes, sir; just as detailed as it possibly could be done.

The CHAIRMAN. You have had no instructions to whitewash anybody, have you?

Mr. BELLINO. No, sir; under no circumstances, nor would I.

The CHAIRMAN. If you ever get them, you will never get them from the Chair.

Mr. BELLINO. Nor would I do it, Senator.

The CHAIRMAN. I don't think that you would.

Senator ERVIN. I would like to say as a member of the Subcommittee on Investigations, the permanent subcommittee, since January 1, 1955, that I have had opportunity to witness the conduct of Mr. Bellino and I have never seen in my life a fairer man. If I had any cause and my life depended on it, I would be willing to put my life in his hands, knowing that I would receive impartial treatment.

The CHAIRMAN. If there are any other records, the Chair wants to say if there are any other records any member of this committee wants, we will get it, and we will examine it.

Senator ERVIN. I would like to ask this question: While you were at the Kohler plant, conversing with any of the representatives of the Kohler Co., did any of them inform you that they had any reason to believe that the union had purchased arms as a preparation of the strike?

Mr. BELLINO. I did not get the the first part.

Senator ERVIN. Was it ever suggested to you during the course of your investigation at the Kohler plant, that the union had purchased arms or firearms for use in connection with the strike?

Mr. BELLINO. No, sir.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. Could I ask a question so we get frightened out? We felt that the company was cooperating, did we not?

Mr. BELLINO. Yes, sir.

Mr. KENNEDY. And so when you asked regarding the books of 1955 and 1956, isn't it the usual procedure to follow when you are making an investigation, to request information from the company or the union?

Mr. BELLINO. Yes, sir.

Mr. KENNEDY. And so you requested the information regarding these matters from the company, from 1955 and 1956, isn't that right, on these invoices?

Mr. BELLINO. I asked for all of their purchases and they ended in 1955, in my recollection.

Mr. KENNEDY. And they turned over those invoices to you?

Mr. BELLINO. Yes, sir.

Mr. KENNEDY. Upon your request?

Mr. BELLINO. Yes, sir.

Mr. KENNEDY. Now, on the question of asking, whether you asked identical questions of the company and of the union, didn't you find it necessary to ask the union and union officials certain questions which you did not ask the company?

Mr. BELLINO. Yes, sir; absolutely.

Mr. KENNEDY. Which would indicate or imply that there was perhaps possibly some derogatory information regarding them?

Mr. BELLINO. Yes, sir.

Mr. KENNEDY. And that that information and those requests were made of the union, but we didn't make the same requests or ask the same questions of the company, because we did not have that kind of information about the company?

Mr. BELLINO. That is correct.

Mr. KENNEDY. Isn't that true?

Mr. BELLINO. Yes, sir.

Mr. KENNEDY. And you went up there upon instructions to do the job completely on both sides?

Mr. BELLINO. Yes, sir.

Mr. KENNEDY. As you have always done for this committee?

Mr. BELLINO. Yes, sir.

Senator GOLDWATER. I just had one question I wanted to ask. Mr. Bellino, were you aware of the reports that Mr. Johnson had turned in after his trip to Sheboygan, of Kohler Co.?

Mr. BELLINO. I have never seen their report, Senator.

Senator GOLDWATER. Might I ask Mr. McGovern, were those reports turned in by the company?

Mr. MCGOVERN. Yes, Mr. Johnson got the bill of lading, and all other documents pertinent to the ammunition, and the shells, and the guns that the Kohler Co. had in its possession and those documents were turned in to the committee.

The CHAIRMAN. Are they any different from these that we have here?

Mr. MCGOVERN. No, sir.

The CHAIRMAN. Then we have them. Is there anything further?

I have a little bit of good news, I think, for all of us. When the committee resumes this afternoon, at 2 o'clock, we will meet in room 318.

(Whereupon, at 12:10 p. m., the committee recessed, to reconvene at 2 p. m. in room 318, Friday, February 28, 1958.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were: Senators McClellan and Goldwater.)

The CHAIRMAN. Will the chief of police come around, please.

TESTIMONY OF WALDEMER G. CAPELLE—Resumed

The CHAIRMAN. Mr. Capelle, a member of the committee wanted to ask you some further questions.

All right, Senator Goldwater.

Senator GOLDWATER. Chief Capelle, when a striker wanted to go to the medical department of the Kohler Co., could he go through the line without any difficulty?

Mr. CAPELLE. A striker, you mean?

Senator GOLDWATER. A striker or a nonstriker. A nonstriker, pardon me.

Mr. CAPELLE. No, we had quite some difficulty. Some of these people especially that lived in the village, and people that were having medical treatment at the Kohler clinic, the picket captain who was stationed there in front of the medical building would tell these people that they would have to get a pass from the soup kitchen to enter the medical department.

Senator GOLDWATER. Is there any other hospital or clinic in the village of Kohler?

Mr. CAPELLE. No, sir.

Senator GOLDWATER. What would happen, or did this happen: Say a person not connected with Kohler, if he became ill or became injured, and he had to have hospital treatment, would he have difficulty getting through the line?

Mr. CAPELLE. Yes, we had difficulty at the line to get them in.

Senator GOLDWATER. What would you have to do to get that sick person or that injured person through the line?

Mr. CAPELLE. Well, when I was on the scene there, I would push my way through the line and get the person into the medical department.

Senator GOLDWATER. Now, on April 12, do you remember April 12, 1954?

Mr. CAPELLE. Yes.

Senator GOLDWATER. There were some nonstrikers who asked for assistance to get through the picket line so they could go to work, and you ordered the pickets to open up the line, and did the pickets open the line?

Mr. CAPELLE. They did not.

Senator GOLDWATER. They didn't?

Mr. CAPELLE. No.

Senator GOLDWATER. What happened to you and the nonstrikers when they denied you permission to go through?

Mr. CAPELLE. We tried to force our way through, and usually when anybody attempted to go to work, there would be anywhere from 75 to 100 pickets in front of the main gate, and as they advanced, this group would form in front of the main gate.

They got up to the group and then, if they tried to advance further, there would be a surge and a push to keep these people out of the plant.

Senator GOLDWATER. Now, were you here yesterday?

Mr. CAPELLE. Yes, sir.

Senator GOLDWATER. Did you see the moving pictures?

Mr. CAPELLE. Yes, I did.

Senator GOLDWATER. Would you say that that was an accurate representation of what took place during the period of violence?

Mr. CAPELLE. Yes, it is.

Senator GOLDWATER. Were you ever knocked down when you tried to get nonstrikers through the picket line?

Mr. CAPELLE. At one time I went down on my left knee.

Senator GOLDWATER. Now yesterday, during the testimony of the sheriff, he said he figured that it might take 400 or 500, if I remember correctly, deputies to enable him to open up the line.

Do you think that that figure is an educated guess as to what force it would have taken to get through the line?

Mr. CAPELLE. Yes, I believe it would take about that many.

Senator GOLDWATER. Now, again on April 19, did you order the picket line to open up to get nonstrikers in?

Mr. CAPELLE. Yes, I did.

Senator GOLDWATER. And what happened?

Mr. CAPELLE. They again refused to open the line, and the same method was used as before.

Senator GOLDWATER. They were not only violating the law by mass picketing, but they ignored the requests or orders of the chief of police; is that correct?

Mr. CAPELLE. That is correct, sir.

Senator GOLDWATER. Now, on April 26, of 1954, there were some nonstrikers in 5 or 6 cars who tried to get in the main gate. How were they prevented from getting in?

Mr. CAPELLE. This same thing occurred again. These pickets would form in front of the main gate and the cars were stopped because of the mass of people in front of them.

(At this point, Senator Ervin came into the hearing room.)

Senator GOLDWATER. Did you know James Fiore?

Mr. CAPELLE. Yes, Senator.

Senator GOLDWATER. Do you know what his position is with the union?

Mr. CAPELLE. International representative, I have been told.

Senator GOLDWATER. Was he a resident of Kohler Village?

Mr. CAPELLE. He was not.

Senator GOLDWATER. Was he a resident of Wisconsin?

Mr. CAPELLE. No, sir.

Senator GOLDWATER. Did he come from Detroit?

Mr. CAPELLE. Yes, he did.

Senator GOLDWATER. On that day, April 26, when these 5 or 6 cars tried to get in the plant, did he stand in front of the lead car?

Mr. CAPELLE. Yes; he did. He was the first one who stopped the car.

Senator GOLDWATER. Now was there a sound truck moved into this event?

Mr. CAPELLE. Yes; shortly after that a sound truck was pulled across the entrance to the main gate.

Senator GOLDWATER. Did you ask that the truck be moved?

Mr. CAPELLE. I did.

Senator GOLDWATER. Was it moved?

Mr. CAPELLE. No, sir. I finally had to call the wrecker and have it moved out of there.

Senator GOLDWATER. Why couldn't you move it yourself?

Mr. CAPELLE. I asked first the driver to get out of the station wagon and to open the door, and he refused that or he locked the door and turned the window up.

Senator GOLDWATER. Did he take the ignition keys?

Mr. CAPELLE. Yes, sir; he took them out, and at that time he handed them to William Vinson who came into the station wagon from the other side.

Senator GOLDWATER. Now did you and your deputies try to push the truck out of the way?

Mr. CAPELLE. Yes.

Senator GOLDWATER. What happened then?

Mr. CAPELLE. We encountered some force from the other side, the pickets pushed the car from the front, and we tried to push it from the rear.

Senator GOLDWATER. During this incident, did you recognize a Frank Sahorske?

Mr. CAPELLE. Yes; he was there at the picket line.

Senator GOLDWATER. Was he a resident of Kohler Village?

Mr. CAPELLE. No, sir.

Senator GOLDWATER. Was he a resident of Wisconsin?

Mr. CAPELLE. I believe he lives in Milwaukee or somewhere in Wisconsin.

Senator GOLDWATER. Now getting up to May 10, again you were asked by some nonstrikers for help in getting through the picket line, and again you ordered the line to open up. Did they obey your order on this date?

Mr. CAPELLE. No, sir.

Senator GOLDWATER. Did you recognize other members of the union on this date?

Mr. CAPELLE. Yes. As a rule, I couldn't say for sure if it was any specific date, but there would be Bob Burkhart who would be out there, and do you want me to mention some of the names?

Senator GOLDWATER. Yes; if you would, some of those that were there.

Mr. CAPELLE. James Fiore, John Gunaca.

Senator GOLDWATER. Now John Gunaca, was he from Kohler Village?

Mr. CAPELLE. No, sir.

Senator GOLDWATER. Was he a resident of Wisconsin?

Mr. CAPELLE. No, sir.

Senator GOLDWATER. Was he from Detroit?

Mr. CAPELLE. He was from Michigan.

Senator GOLDWATER. He was from Michigan?

Mr. CAPELLE. Yes; but I don't believe it was Detroit.

Senator GOLDWATER. Do you know if he was an officer in the union at that time?

Mr. CAPELLE. Not to my knowledge.

Senator GOLDWATER. Who else did you see?

Mr. CAPELLE. Just Ferrazza.

Senator GOLDWATER. Is he a resident of Kohler Village?

Mr. CAPELLE. No, sir.

Senator GOLDWATER. Is he a resident of Wisconsin?

Mr. CAPELLE. No, sir.

Senator GOLDWATER. Is he from Detroit?

Mr. CAPELLE. Yes, sir.

Senator GOLDWATER. Were their others that you recognized that I haven't covered?

Mr. CAPELLE. Guy Barber, Emil Mazey was there several times, and Don Rand, and Boyce Land, Harry Kitzman, and then local persons, also.

Senator GOLDWATER. Let me ask you, Chief: Did you at any time during this strike go to these people who were from Detroit and who you had reason to believe were directing the strike, and talk to them about the possibilities of relaxing the picket line?

Mr. CAPELLE. Yes; I did.

Senator GOLDWATER. Whom did you talk to?

Mr. CAPELLE. I talked to Robert Burkhart most of the time, because he was in charge of the strike at that time.

Senator GOLDWATER. Robert Burkhart?

Mr. CAPELLE. Yes, sir.

Senator GOLDWATER. Was he from Kohler Village?

Mr. CAPELLE. No.

Senator GOLDWATER. Or Wisconsin?

Mr. CAPELLE. No.

Senator GOLDWATER. Where was he from?

Mr. CAPELLE. I believe he was either from Detroit, and I think he did have an address in Milwaukee at one time.

Senator GOLDWATER. What did he say to you when you asked him to relax a bit?

Mr. CAPELLE. Usually using the lines of "I will try but they are all excited and I can't do much with them."

Senator GOLDWATER. And these sound trucks that we have mentioned, we have mentioned one, how were they used in the course of the strike?

Mr. CAPELLE. On April 7 and on April 8, they did use a sound truck, but on both occasions they used it contrary to our orders, and we placed the person using the sound equipment under arrest.

Senator GOLDWATER. Did you ever hear any transmission over the sound truck that you could interpret as inciting trouble?

Mr. CAPELLE. James Fiore, who used the sound equipment on April 7, he did some talking and some playing of music. I remember at that time he made some remark, "Yesterday they brought in the potatoes, and today they brought in the cheese for the rats," and things of that sort.

Senator GOLDWATER. Getting back to this schedule of events, on May 17, you again ordered the pickets to open up; is that correct?

Mr. CAPELLE. Yes, sir.

Senator GOLDWATER. And did they open?

Mr. CAPELLE. No, sir.

(At this point Senator Mundt entered the hearing room.)

Senator GOLDWATER. On May 24 of 1954 you once again ordered the picket line to open up, and did they yield to your orders?

Mr. CAPELLE. No, sir.

Senator GOLDWATER. Who did you recognize on that day—anybody in addition to the ones you have mentioned on previous days?

Mr. CAPELLE. Usually they were the same group there.

Senator GOLDWATER. Now I want to just get back to this tear-gas gun again. Did you go out to the Kohler plant and physically take over that equipment?

Mr. CAPELLE. No, sir.

Senator GOLDWATER. How did you get a hold of it?

Mr. CAPELLE. It was brought to the police department.

Senator GOLDWATER. By whom?

Mr. CAPELLE. By Raymond Hanson.

(At this point the following members were present: Senators McClellan, Ervin, Mundt, and Goldwater.)

Senator GOLDWATER. Of the company?

Mr. CAPELLE. Yes, sir.

Senator GOLDWATER. It was entirely voluntary?

Mr. CAPELLE. Yes, sir.

Senator GOLDWATER. Was this done on the order of any court or any person?

Mr. CAPELLE. Not to my knowledge.

Senator GOLDWATER. You had tear-gas guns and ammunition that belonged to the police department; is that correct?

Mr. CAPELLE. Yes, sir.

Senator GOLDWATER. Do you remember how many rounds you had?

Mr. CAPELLE. Well, no. I have an inventory of it.

Senator GOLDWATER. After the hearing, if you would supply that to me, I will see that it gets into the record, or I will ask that it be put into the record. I cannot say that I will see that it gets into the record.

The CHAIRMAN. What is the request, Senator?

Senator GOLDWATER. The number of rounds of ammunition and tear gas that the police department had at that time.

Mr. CAPELLE. I have it here in my grip, sir.

The CHAIRMAN. You can supply it.

Mr. CAPELLE. Now?

The CHAIRMAN. Yes. I did not know what time the Senator was directing his questions to.

Senator GOLDWATER. This same general period, Mr. Chairman.

The CHAIRMAN. Do you have a prepared statement of it there, a prepared inventory?

Mr. CAPELLE. Yes; I do have.

The CHAIRMAN. Do you have a complete inventory in your possession that you prepared?

Mr. CAPELLE. I will have to retract that. I don't have it.

The CHAIRMAN. You will have time to get it arranged by the time the committee returns. This is a rollecall vote. The committee will have to stand in recess until the members can go over and vote and return.

(Brief recess. Present at this point are Senators McClellan, Ervin, Mundt, and Goldwater.)

(At the reconvening of the hearing after the taking of the brief recess, the following members are present: Senators McClellan and Goldwater.)

The CHAIRMAN. The committee will come to order.

Proceed, Senator Goldwater.

Senator GOLDWATER. Chief, I have just one last question.

These people that you saw on the line that you have repeatedly identified, did they seem to you to be the leaders of the strike?

Mr. CAPELLE. Yes, sir.

Senator GOLDWATER. Yesterday in the picture, I noticed that there would be occasional large movements of people from one point to another point. How would those movements be ordered?

Mr. CAPELLE. I believe that happened twice, where some of the non-strikers who attempted to get into the main gate moved over to another gate, and as they moved over, of course, some of the pickets would move along with them.

Senator GOLDWATER. Were there any verbal orders given by the sound truck for them to move?

Mr. CAPELLE. No, sir. The sound trucks were only used twice.

Senator GOLDWATER. Just to sum this whole thing up, and I think you have answered this before, would you, as a police officer of some years of experience, consider this to be peaceful picketing?

Mr. CAPELLE. No, sir.

Senator GOLDWATER. That is all I have, Mr. Chairman.

The CHAIRMAN. We were on some of your records, an inventory awhile ago. Have you been able to check that?

Mr. CAPELLE. I don't have it with me. I placed a call and they are preparing it.

The CHAIRMAN. You were mistaken about having it?

Mr. CAPELLE. Yes. I thought I did, but I was mistaken.

The CHAIRMAN. Whenever you supply that, you will supply it under oath, and then it may be placed in the record or made an exhibit.

Mr. CAPELLE. I will have that. They are preparing it now. I will give them a call back.

The CHAIRMAN. All right.

I have just one question. You mentioned a number of labor leaders or representatives of the International UAW, I believe, whom you have identified as being present. Is that correct?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. I believe in answer to Senator Goldwater's last question you said that they appeared to be leading the strike or in charge of it, giving directions and so forth.

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. Did they ever at any time during this period of mass picketing offer to assist you in providing ingress and egress for the people who wanted to work?

Mr. CAPELLE. No, sir.

The CHAIRMAN. Did they ever obey any orders that you gave in your official capacity as chief of police with respect to permitting the ingress and egress of those who wanted to work?

Mr. CAPELLE. No, sir.

The CHAIRMAN. In other words, all they gave you was opposition, obstruction, and mass picketing to prevent it?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. So they are bound to have known mass picketing was going on to the extent that it provided a resistance that denied those the right to go in who wanted to go in, and the only thing that could have been done, in your judgment, is to have used greater force in order to open the way up?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. And you did not use that greater force, as I understand you, because of the conditions existing, and you realized that it would mean a lot of bloodshed?

Mr. CAPELLE. Yes.

The CHAIRMAN. That is the true condition that prevailed there, is it not?

Mr. CAPELLE. Yes, sir.

The CHAIRMAN. Although you were prepared, although you had tear gas and those things you might have used, you did not, out of deference in trying to preserve as much order as possible.

Mr. CAPELLE. That is right.

The CHAIRMAN. Is that correct, now?

Mr. CAPELLE. That is correct, sir.

FEBRUARY 28, 1958.

Memorandum from Waldemer G. Capelle, chief of police, Kohler, Wis.

To: Senator John L. McClellan, chairman, Senate Select Committee on Improper Activities in the Labor or Management Field.

Subject: Inventory of tear gas of the Kohler Police Department, Kohler, Wis.

No. 115 Federal triple chasers grenades (CN)-----	71
No. 112 Jumbo Speede grenades (CN)-----	2
Lake Erie No. 34 grenades (CN)-----	4
M-29 Billy cartridges—gas shells (CN)-----	20
M-39 Federal Billy cartridges blast-type shells (CN)-----	8
Federal Jumbo grenades (CN-DM)-----	11
NOTE.—Use before July 1, 1937.	
No. 850 Federal projectile shells (CN-DM)—1.5 caliber-----	72
NOTE.—Use before July 1, 1937.	
No. 203 Federal short-range shells—1.5 caliber-----	55
Long-range shells (CN-KO) 1.5 shells-----	24
NOTE.—Use before July 1, 1937.	

The CHAIRMAN. Thank you very much. Call the next witness, Mr. Counsel. Come forward, Mr. Bellino, and bring your records.

Mr. Kitzman, you stand by a moment.

TESTIMONY OF CARMINE S. BELLINO—Resumed

The CHAIRMAN. You have been previously sworn today.

Mr. BELLINO. Yes, sir.

The CHAIRMAN. You testified this morning from a number of records, did you?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. Do you have those records?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. Do you have them all in one package?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. Without objection, the Chair will make this package of records from which you testified this morning exhibit No. 15, for reference, the whole package being included rather than trying to identify each document.

(The documents referred to were marked "Exhibit No. 15" for reference, and may be found in the files of the select committee.)

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KITZMAN. I do.

TESTIMONY OF HARVEY KITZMAN, ACCOMPANIED BY
JOSEPH L. RAUH, JR., COUNSEL

The CHAIRMAN. State your name, your place of residence, and business or occupation.

Mr. KITZMAN. My name is Harvey Kitzman. I am director of region 10 of the UAW-AFL-CIO, and I live at 929 North Hackett Avenue, Milwaukee, Wis.

The CHAIRMAN. I didn't quite understand your position with the union.

Mr. KITZMAN. I am regional director of region No. 10. This also makes me an international union executive board member. I live at 2932 North Hackett Avenue, Milwaukee, Wis. My jurisdiction is made up of six States: Wisconsin, Minnesota, North and South Dakota, Montana, and Wyoming.

The CHAIRMAN. Mr. Kitzman, did you occupy this same position during the period 1923 up to the present?

Mr. KITZMAN. 1923?

The CHAIRMAN. 1953. I am sorry.

Mr. KITZMAN. I did. I was first elected as regional director in July of 1949.

(At this point, Senator Mundt entered the hearing room.)

The CHAIRMAN. And you have been regional director since that time, for the area that you have stated?

Mr. KITZMAN. That is right.

The CHAIRMAN. You have counsel with you. Let the record show that Mr. Rauh is counsel.

Mr. KITZMAN. Yes.

The CHAIRMAN. Mr. Rauh is present representing the witness. Proceed, Mr. Kennedy.

Mr. RAUH. Mr. Chairman, we have a 3-stage statement. We could not meet the 24-hour rule, Mr. Chairman, because we did not know until this morning that the committee was calling Mr. Kitzman this afternoon. I would like to submit the 3-page statement.

The CHAIRMAN. Do you have copies for the members?

Mr. RAUH. Yes, sir.

The CHAIRMAN. We will grant you that right. I hope, though, so far as you can, those of you who expect to present statements, will comply with the rules. We just have to lose time to read it now.

(The document was handed to the committee.)

The CHAIRMAN. All right. Is there any objection to the statement being read?

Senator GOLDWATER. I have not finished it, Mr. Chairman.

The CHAIRMAN. All right.

The Chair has glanced at the statement, and while the other Senators are finishing reading it I would like to make the observation, and a suggestion, to those of you who are going to testify on opposite sides of this with your charges and countercharges. My suggestion is that you use language to describe what you mean, but, in some manner at least be temperate. If you are going to use provocative language, of course, the other side will use provocative language, too. Let's try to remember that. I am not criticizing this statement, but I can see where this can well lead to. I can take it if the rest of you can, but it will not be a very pretty show before the country.

Let us all bear that in mind and try to use language such as to state our position, so that each one can clearly understand what it is. But at the same time, respect the other fellow's feelings and prerogatives.

Are there any objections?

Senator GOLDWATER. No; Mr. Chairman, I have no objection to this statement. I understand the circumstances surrounding it. But I will insist that in the future all witnesses adhere to the 24-hour rule.

The CHAIRMAN. The Chair is prepared to enforce that rule hereafter, except if you get somebody up here unexpectedly and they have not had time to prepare. Then we always take it into consideration and submit it to the committee. I think the rule is a good one. I think generally it should be enforced, unless there are some good reasons to make an exception. The Chair would then be inclined to make an exception. You may proceed, Mr. Kitzman.

Mr. KITZMAN. I am a native of Wisconsin, and I have lived in that State all my life. I have been a union member for the past 24 years, and a member of the UAW since 1936. I was elected director of region 10 in 1949, and I have been reelected 5 times since that date. My first personal contact with the Kohler Co. and its own brand of labor relations came in 1950, when several Kohler workers came to me and asked whether the UAW could not somehow and in some way help them improve the conditions in their plant, conditions that they were forced to work under.

Since that date early in 1950, I have had a good deal of experience with Kohler Co. and its relations policies. I was present at various times during the organizational drives that led to the vote by Kohler workers to join the UAW. I have been present in the course of every series of collective bargaining negotiations held between local 833 and the Kohler Co., including the 7 months of negotiations which led to the first contract; and 2 months of negotiations which occurred in the summer of 1953 at the time of negotiations on the wage reopener, and negotiations on the second contract, before and after April 5, 1954, when the strike began.

It was I, along with Emil Mazey, secretary-treasurer of our union, who, in February of 1953, recommended to the members of local 833 that they accept a contract which most of them knew offered far less than they were entitled to.

It was I, who with Jess Ferrazza—

Senator MUNDT. Will you identify Jess Ferrazza?

Mr. KITZMAN. Jess Ferrazza is the administrative assistant to secretary-treasurer, Emil Mazey.

Senator MUNDT. Thank you.

Mr. KITZMAN. It was I, who with Jess Ferrazza, in August of 1953, when the first contract was open on the wage question, recommended that the members accept a 3-cent an hour wage increase, which they knew did practically nothing to close the great gap between their wages and the wages of Kohler Co. competitors. At this August meeting, both brother Ferrazza and I were greeted with a round of boos when we urged the members not to strike the plant.

The CHAIRMAN. Do you mean the membership of the union?

Mr. KITZMAN. The membership of the union. We attended a membership meeting which was called, Mr. Chairman, for the purpose of ratifying the agreement. The membership had asked for something like 14 cents, if my memory serves me correctly. The company would

only grant three. The membership did not want to accept this. We urged them to accept it, and not to strike the plant, in spite of the fact that they had taken a strike vote which had carried by an overwhelming majority.

(At this point, Senator Ervin entered the hearing room.)

Senator GOLDWATER. Before you leave that point, Mr. Kitzman, what was the difference between the wages of Kohler's people and the Kohler competitors? Do you have those figures?

Mr. KITZMAN. The only way we have ever been able to compare wages in Kohler is the paycheck stubs, and which are not an accurate picture, because the union has never been able to get from the Kohler Co., even to this date, an adequate payroll. They compute everything, overtime, premium pay, and it is all thrown into one category. To my knowledge, at least I, who spent a good many days at that bargaining table, have never actually seen a breakdown of the actual earnings, both piecework—particularly piecework. Daywork is a different problem, because there you have cents per hour, and that is pretty easy. But not on piecework.

Senator GOLDWATER. For instance, do you have any information as to a comparison between what an enamel worker would get at Kohler and an enamel worker, say, at—do you have Crane organized?

Mr. KITZMAN. Crane is organized, but they are not in the UAW.

Senator GOLDWATER. What companies are you acquainted with?

Mr. KITZMAN. I am acquainted with American Beautyware and I am acquainted with Universal Rundle. Universal Rundle happens to be in Milwaukee, and they come closer to the exact operations of the Kohler Corp. than any in the near community.

Senator GOLDWATER. What do they pay an hour on enamel workers?

Mr. KITZMAN. Do you mean at the Universal Rundle plant?

Senator GOLDWATER. The one that you are acquainted with in Milwaukee. I think that is the one.

Mr. KITZMAN. I would have to check that, to be exact as to what their earnings are per hour.

Senator GOLDWATER. Do you know what the enamel worker at Kohler makes an hour?

Mr. KITZMAN. I only know what they make as a take-home pay. I have seen some of those checks. I have been told that the earnings are somewhere around \$2.50 an hour.

Senator GOLDWATER. At Kohler?

Mr. KITZMAN. That is right.

Senator GOLDWATER. And you do not have the figures for the other company you mentioned?

Mr. KITZMAN. At Universal Rundle, the enamel workers run a little over \$3 an hour.

Senator GOLDWATER. I wonder, in view of the fact that you stated that there was a great gap between the wages of Kohler and Kohler's competitors, if you could compile some examples of competitors' hourly rates or piece rates, however they are paid, and also put down what you know about Kohler.

I do not know what their rates are. But you have stated that there is a great gap. I wanted to know what that gap was.

Mr. KITZMAN. Take the question on the hourly paid workers, such as a sweeper. The Kohler rate at the present time, I believe, is \$1.48. The Briggs rate, which is a competitor, is \$1.885.

Take the question of the stock clerk. The Kohler rate is \$1.53, and the Briggs rate is \$1.855, or \$1.885. Take the question of the elevator operator. The Kohler rate is \$1.50, and the Briggs rate is \$1.885.

Senator MUNDT. Is Briggs in Wisconsin?

Mr. KITZMAN. Briggs is in Detroit, but they manufacture the Briggs Beautyware, which is bathtubs and plumbing ware.

The CHAIRMAN. I believe it would be better to let the witness finish his statement, except as to something for clarification. Then we can go into all of it. I will defer to your wishes, however.

Let's finish your statement. If there are any questions for clarification, you can go ahead, but otherwise, after the statement we will go into all of these.

Proceed.

Mr. KITZMAN. At that time, and earlier in the case of the ratification of the first contract, the international representatives assigned to help Kohler workers and the leadership of local 833, pleaded with Kohler workers to accept contract provisions and wages which they, the workers, knew to be less than simple justice called for. In both cases, we urged restraint and convinced the workers not to strike and to accept the inadequate company offer.

We told Kohler workers that it took time and experience for a company such as Kohler to learn how modern labor relations worked. Kohler management had never dealt with a responsible and legitimate labor union and we knew it would take time to build mutual trust and confidence, so we asked the Kohler workers to give management time to make the adjustment.

Beyond this we told Kohler workers that they had so far to go, that their wages and working conditions were so far inferior to workers at Kohler competitors, that it would take time for them to achieve equity.

Unfortunately, however, while we tried to build trust and confidence and understanding between the workers and the Kohler Co., Kohler Co. prepared for war.

I was one of those whom workers had come to and told on many occasions that there were being brought into the plant tear gas, guns, and clubs.

Mr. Chairman, I was shocked this morning to find out the large amount of tear gas, guns, and clubs. I didn't think there was that much there. I didn't believe the rumors.

The CHAIRMAN. Let me suggest to the witness, now, if I am going to give you the opportunity to finish your statement without too much interruption, I will have to ask you to observe the same request. Then you may make comments. We are not going to keep you from testifying, but I am trying to get some continuity. All right, proceed.

Mr. KITZMAN. Very good. Thank you, Mr. Chairman.

This committee has already heard reports on the company arsenal, the training of special troops and its open and brazen preparations for industrial warfare.

It was in such a climate of distrust, fear, and suspicion, generated by these open company activities, that bargaining began in 1954. Bargaining on the second contract and wage demands, the company refused to concede on even the smallest matter in dispute.

On this occasion in 1954—even if I and other international representatives assigned to help Kohler workers had wanted to—and we didn't—we could not have prevented the Kohler workers from striking this arrogant and dictatorial company.

In the final few days of negotiations prior to the April 5 strike, I convinced the local union to concede a number of points in the hope that we could reach agreement. Despite all our concessions, it became obvious to me and to everyone on our side of the table, that this company didn't want to settle. They wanted a strike.

The company's desire to force a strike, which we recognized back in April of 1954, has become apparent to everybody since the management, in the 45 months since that time, has stubbornly refused to make any real concessions and has refused to agree to mediate or arbitrate by numerous public-spirited citizens and officials who have offered their services.

There's been a good deal of reference in this hearing and prior to it, on the issue of mass picketing. There was mass picketing. No one denies that. But to condemn the actions of more than 2,000 men and women without understanding these actions is to do those workers as well as the American public a serious injustice.

At first, the strikers came out on the picket line because they were afraid. They were afraid of what the company might do to them for striking. And then, as the strike wore on and the Kohler Co. announced in full page ads that they were going to hire strikebreakers, they were afraid that some outsider was going to steal their most valuable possession.

Mr. Chairman, if I may, I would like to do this at this time, explain that point. Here is a paid full-page ad by the Kohler Co., in which they point out that by actual count, since the start of the strike—and this ad was run on April 9, 1954—in their own words, that "By actual count there have never been more than 800 Kohler employees on the picket line."

So what actually happened here is that this was a challenge to those workers.

The CHAIRMAN. Just a moment. That may be made exhibit No. 16. Proceed with your statement and you can come back to it.

(The document referred to was marked "Exhibit No. 16" for reference, and may be found in the files of the select committee.)

Mr. KITZMAN. At first the strikers came out on the picket line because they were afraid—

The CHAIRMAN. You have read that.

Mr. KITZMAN. And then as the strike wore on, and the Kohler Co.—I have read that—were going to hire strikebreakers, they were afraid that some outsider was going to steal their most valuable possession, and that is their jobs. That is all these workers had, their jobs, to protect in that plant.

It takes a man of rare patience to stand up, or to stand by, and watch someone steal his job. They knew that in 1934 company guards had opened fire on another peaceful picket line. They knew these company guards had killed 2 men and wounded 47 men, women, and children. All but two persons were shot in the back. And so they were afraid and they know that in numbers there was at least some safety, since they figured the company wouldn't open fire on such a large group of unarmed workers.

Finally they knew that since the beginning of the strike, the company had been shouting about local 833 did not represent the will of the majority of Kohler workers.

And here, again, this brought them out on the picket line in order to point out that this was not the facts.

And so they showed the company, in the only way they knew how, that they, the people of Kohler who had more than 23,000 years of service with the Kohler Co., that they believed in their union, and that they were willing to stand up, or, if necessary, to be shot down for their union.

Mr. Chairman, thank you for letting me read that statement. There are some other things I would like to say in connection with that.

(At this point, the following members were present: Senators McClellan, Ervin, Mundt, and Goldwater.)

The CHAIRMAN. The Chair will permit you, unless there is objection now, to make any additional statement you wish at this time, before you are subjected to examination by the committee.

Mr. KITZMAN. No. 1, Mr. Chairman, I would much rather sit at the bargaining table today than before this committee.

The CHAIRMAN. We would rather have you there.

Mr. KITZMAN. If there were a chance to settle this strike. But I personally do not think that that chance exists.

As a responsible officer of our international union, I did everything I knew humanly possible in the days before that strike started to try to get a settlement, because I remembered 1934, and I remember the feeling that still exists in the city of Sheboygan, because many of the same strikers that are on the picket line today and are still on strike today, were also in the Kohler plant and on the Kohler picket line in 1934.

I, probably more than anyone else sitting at this bargaining table, realized what could possibly happen here. Therefore, I made numerous suggestions as to how we ought to move. On the last meeting, the last meeting on April 3, I believe it was, if my memory serves me correctly, I finally said to the company, not in any harsh language, and not in any boast or demands, but I was pleading with them, that since there was no chance of settling this, and since there obviously was going to be a strike here, that we ought to sit down as men and agree to some rules, that we ought to agree to some rules. And the company management asked me, "What are you talking about, rules of war?" and I said, "Yes, that is what this is, rules of war."

I pointed out to them, that even Hitler sat down with his enemies and said they were not going to use gas. I was talking about working out an orderly procedure as we do in hundreds of other places where we have strikes, where the union is interested, and they were interested in this case, to protect this property, and to protect their jobs and see that their jobs would be there when they got back, so that watchmen, and fire protection men, and guards or whatever they needed, would go into that plant unmolested, but that the company does not try to hire strikebreakers.

I pleaded with the company not to follow the road they followed in 1934 because, I said, "that will lead to serious trouble. It is serious trouble which the union does not want, and which we don't want in the community of Sheboygan, and which I am sure you don't want."

I was flatly told, "Look, you run your business and we will run ours." And I said, "I am sorry that that is the situation, but we will be here tomorrow," which was on a Sunday, April 4, "and if there is any last hope we ought to have a meeting, if we have to meet at 9 o'clock Sunday morning, or 2 o'clock, or 3 o'clock, or Sunday night. If this strike can be headed off, we ought to do it."

The meeting broke up, and I knew then that there was no hope. I also pointed out to the company that I thought that they had a responsibility in this, and I said I thought that they had made bargaining harder as far as the employees were concerned because it really wears your patience thin when you sit at the bargaining table every day, day after day, and week after week, trying to work out an agreement, and then you watch—up on the roofs, and shanties being built, and equipped with floodlights, sound systems put in, and food hauled into the plant, and cots hauled into the plant, preparing for war.

Now what kind of business is that, Mr. Chairman? It is something exactly as happened in 1941, when Mr. Karichi sat here in the city of Washington talking about peace, while the different bombers were already on the way to Pearl Harbor.

That is why these people had the kind of feeling they had. This did not seem to bother the Kohler Co. at all. I became convinced, and this is my opinion, I became as convinced as my name is Kitzman that by April 3, long before this, but particularly in the meeting of April 3, the company made up its mind to take this union on. It was something they wanted to do on February 23, 1953. But they were not quite ready yet, and thank God a guy like L. L. Smith came in and saved the situation. Because when he came in, he made enough concessions, so that the contract was able to be taken back to the membership and signed.

Otherwise, this trouble might have occurred as early as 1953.

The CHAIRMAN. I wanted you to make any statement and you are making more or less of a speech now. I want to indulge you as long as we can, and if there is any additional facts you want to state.

You can go ahead but I want you to know that we want you to keep it down to facts, what they were doing wrong, and you had a feeling they were not willing to pay the wages and sign the kind of a contract you wanted, and you had a feeling that they were preparing for a long strike, which you called a war. And I don't know, it may be termed that in some terminology of law.

Go ahead, Mr. Kitzman is ready.

Mr. KENNEDY. Just one this question of their preparing for war, the first illegal act that was taken by the union on April 5, and no matter what you thought they were going to do, the first illegal act was the starting of the mass picketing on April 5, 1954, isn't that correct?

Mr. KITZMAN. It was not an illegal act. Here were a group of people. I have said there was mass picketing, and here was a group of people that came out April 5 to protect themselves.

Mr. KENNEDY. That is fine, they were going to protect their jobs, and the company was inside. You say that they were taking steps in order to get ready for what you term a war, but the fact is that the first illegal act, the keeping of employees out of the plant, was taken by the union.

Mr. KITZMAN. Well, any union that has a picket line certainly does not expect workers to go in.

Mr. KENNEDY. They might not expect workers to go in——

Mr. KITZMAN. They were protecting their jobs.

Mr. KENNEDY. There are an awful lot of picket lines going on throughout the United States that are not having some 2,000 people out there to keep the employees out of work. There are picket lines that are going on in the United States at the present time, in which that is not being done.

What you were doing, the starting of the illegal action, in this whole strike was started by your union. It was by keeping the employees who wanted to go to work, keeping them out of the plant.

Mr. KITZMAN. First let me say to you——

Mr. KENNEDY. And you talk about what happened——

Mr. KITZMAN. First let me say to you, that I have said this was mass picketing, and I have tried to tell you the reasons why, and as soon as the NLRB issued an injunction, and an order, to disband that mass picketing, that was done.

Mr. KENNEDY. That is 57 days later, and not until a court intervened.

Mr. KITZMAN. Up until that point, those strikers were out there, many, many of them were out there to prove that what was being said by the company on the radio, that the strikers were not favoring the strike, was not true, and therefore, they showed up on the picket line.

Mr. KENNEDY. You spent 30 minutes telling the committee about what a terrible thing the company was doing in all of this. If the company did not want to sign with the union or felt that the demands of the union were too great, they had a right to take that position.

Ultimately, when the strike came along, the first illegal act was done by the union, and that remained for 57 days until the court intervened.

Mr. KITZMAN. Until the WERB order came along, the union did not consider this an illegal picket line.

Mr. KENNEDY. It was done by the international officers of which you were one, and of which there were at least a dozen others out there.

Mr. KITZMAN. And condoned by the Kohler Co.

Mr. KENNEDY. The mass picketing was condoned?

Mr. KITZMAN. Because they could have gone to the WERB long before the 57 days were up, but they did not have the record built any sooner than that.

Mr. KENNEDY. Maybe they needed the record built in court in order to get the mass picketing removed. But there were international organizers there, and international officers of the UAW were present, and this mass picketing went on for 57 days until the court intervened.

You can't get away from those facts.

The CHAIRMAN. Are there any questions? Is there any further statement you wish to make?

Mr. KITZMAN. Yes.

I also want to point out that in June after this strike had started, there were a couple of meetings after the strike started, but we got nowhere. In June, I believe it was, of 1954, I went to see the governor, the Governor of the State of Wisconsin. His name was Walter J. Kohler and a nephew of the president of the Kohler Co.

I told the governor that if there was anything that his office could do to break this loose, and to get some negotiations going, or break

through somehow in this, I certainly would appreciate it. He told me he did not know how much he could do, that he was no longer connected officially with the company, and that they booted him out, and that maybe his intervention would be more hindrance than good. I finally said to him that I would agree for the union in advance that he ought to set up a factfinding panel of three members, recognizing that the factfinding panel would not have any final authority, other than to make a public statement.

And that factfinding panel ought to come in and examine the demands the union was asking for, and he ought to examine what the company was offering, and then they independently ought to make a statement as to what they thought was wrong here, and what, in their opinion, could be done to settle this strike.

The CHAIRMAN. I did not quite get the time of that conference, Mr. Kitzman?

Mr. KITZMAN. It was sometime in June, and I don't recall the exact date, but sometime toward the latter part of June. It was in 1954.

The CHAIRMAN. Was that after the mass picketing had ceased?

Mr. KITZMAN. Oh, no. Pardon me; yes. There wasn't any mass picketing out there, and there was just a handful of pickets around each gate.

The CHAIRMAN. I thought you said in your statement, or you had said in your statement that there was mass picketing, and it did not break up until the labor board or a court order required it, and that is what I was getting at.

Mr. KITZMAN. The board order came down before this June date that I went to see the governor.

The CHAIRMAN. That is why I wanted to get it in proper perspective.

Mr. KITZMAN. I don't have the exact date, Mr. Chairman, but I know that the board order was down already.

The CHAIRMAN. All right.

Mr. KITZMAN. I suggested this factfinding panel to the governor, and as I pointed out, he did not think he could do anything about it and finally I said to him, "If I may be so bold as to make a suggestion, I think what is bothering you is we might ask for people on this factfinding panel who are completely pronoun. So here again, I will take it upon myself to obligate the union that we will accept a three-man factfinding panel made up—" and I named the people for him, the corporation attorney for Allis-Chalmers Corp., Harold Storey; Ward Rector, ex-State supreme court justice of the State Supreme Court of Wisconsin, and anyone the governor wanted to choose.

The governor said to me, "Well that is not a group of CIO organizers." And I said, "I agree with you." But we were perfectly willing to have those gentlemen sit down and see what the facts are, and we were perfectly willing to say publicly, what they thought we should accept, and we would have done it.

The governor called me a few days later, and he said he had failed in his mission, and he called me about midnight, and he said he had tried this on for size, on at least two of the gentlemen that I spoke about, and that both of them said if this were a sane situation, they would probably move into it, but the kind of a situation that existed, they did not want to do anything about it.

I went back to the governor again, and I said, "Isn't there something else we can do?"

The CHAIRMAN. What was the date of your second trip, approximately?

Mr. KITZMAN. It was quite shortly after he called me, or along about June 29. I said to the governor, "Isn't there something else we can do? Do you have any suggestions?"

And he said he did not. I requested the governor that he ought to talk to both sides about submitting this whole business to arbitration. He gave me no answer whatsoever, and he did not say "Yes," and he did not say "No."

But on July 8 he did send a letter, a letter to the Kohler Co., and a letter to the union, and a letter to myself, in which he outlined this whole business that was going on in Kohler.

The CHAIRMAN. Did he send the same letter to all of you?

Mr. KITZMAN. The same letter, as I understand it, went to the company, to the union, and came to myself.

The CHAIRMAN. At any rate, you have the one that came to you?

Mr. KITZMAN. I have a copy of the one that came to me.

The CHAIRMAN. You have a copy of it?

Mr. KITZMAN. Yes, sir.

The CHAIRMAN. That letter may be made exhibit No. 17 for reference.

(Document referred to was marked "Exhibit No. 17," for reference, and may be found in the files of the select committee.)

Mr. KITZMAN. I did want to read the last paragraph of that letter.

The CHAIRMAN. You may now read it.

Mr. KITZMAN. The last paragraph of that letter states:

In considering this request, both the company and the union should bear in mind that the refusal to submit the issues to arbitration undoubtedly would be interpreted by the public as indicative of a lack of desire to see the strike at an end, and a lack of confidence in the merits of its case by the party which declined.

That is signed "Walter J. Kohler, governor."

(At this point the following members were present: Senators McClellan, Ervin, Mundt, and Goldwater.

Senator GOLDWATER. Mr. Chairman.

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Before we get too far away——

Mr. KITZMAN. I just wanted to add to this, if I may, Senator, I want to point out that when we got that letter the bargaining committee of the local met, they went over the letter, they sent the governor a wire, and said they accepted this proposal.

The CHAIRMAN. In other words, your people accepted it?

Mr. KITZMAN. That is correct.

The CHAIRMAN. All right

Senator Goldwater?

Senator GOLDWATER. Before we get too far away from some of these points, Mr. Kitzman, did the union anticipate this strike?

Mr. KITZMAN. Did the union anticipate this strike?

Senator GOLDWATER. Yes.

Mr. KITZMAN. Well, my good Senator, when you are sitting at the bargaining table, and you see barricades being built in front of the gates of the plants, shanties being put up on the roof, floodlights being

put on them, platforms being built to put movie cameras on, what else could the union think but that there was going to be a strike?

Senator GOLDWATER. What did the union do in preparation for the strike?

Mr. KITZMAN. Frankly, the union was scared, Senator. The union until the day——

Senator GOLDWATER. That isn't the question, Mr. Kitzman. What did the union do of a similar nature to prepare for the strike?

Mr. KITZMAN. The union did everything they could to avoid it. If you are talking about the union making open preparations for the strike, they made no such preparations.

Senator GOLDWATER. You didn't? You made no preparations for a strike?

Think it over, now.

(The witness conferred with his counsel.)

Mr. KITZMAN. I might say this, Senator, if you are talking about the union looking for a soup kitchen, renting a soup kitchen, and that the union started to hold meetings and making some preparations that if a strike took place—if you mean that, that is correct. They did that.

Senator GOLDWATER. I didn't want you to say that you hadn't made any preparations, because——

Mr. KITZMAN. Believe me, Senator, I didn't want to leave that impression with you.

Senator GOLDWATER. Let me finish, please. On February 19, 1953, in the Kohlerian, there is an article in that paper that tells of Peterson's being picked for strike headquarters. It goes into rather some detail as to there being ample space for a strike kitchen and tables for men and women doing strike duties, strike planners, and so forth.

In fact, Mr. Chairman, I would like to offer this as an exhibit for the record, and call attention of the committee to the point that this was a year before the strike took place. In fact, it was more than a year before the strike took place.

I am not condemning the union for doing this. I am merely pointing out that the company made some arrangements for striking, and the union also was making arrangements for striking.

The CHAIRMAN. The Chair——

Mr. KITZMAN. I would——could I say something, Mr. Chairman?

The CHAIRMAN. Go ahead.

Mr. KITZMAN. I think the record has to show that that bulletin, or that paper, was printed in February of 1953 and there was no strike took place in 1953. Quite to the contrary, a strike was prevented in 1953.

Senator GOLDWATER. I am not talking about a strike, Mr. Chairman.

The CHAIRMAN. Did you want this made an exhibit?

Senator GOLDWATER. Just the article in the upper left hand corner.

The CHAIRMAN. The Chair presents to you a photostatic copy of an article that appeared in the Kohlerian, on February 19, 1953; the article is entitled "Pick Peterson's for Strike Headquarters on Lower Falls."

Is that the article you wanted, Senator?

Senator GOLDWATER. Yes, Mr. Chairman; thank you.

The CHAIRMAN. I present this photostatic copy to you and ask you to examine it and state if you identify it.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. KITZMAN. Well, Mr. Chairman, this is a copy of the Kohlerion, and I assume that statement is correct. It is dated February 19, 1953.

The CHAIRMAN. Is that a publication published by the union?

Mr. KITZMAN. That was published by the union.

The CHAIRMAN. At that time?

Mr. KITZMAN. At that time, that is right. That was 1953 and it had nothing to do with the 1954 strike. When the contract was signed in 1953, all of this was abandoned.

The CHAIRMAN. That may be made exhibit No. 18.

(The document referred to was marked "Exhibit No. 18" for reference and may be found in the files of the select committee.)

The CHAIRMAN. The witness says it had nothing to do with this strike.

Mr. KITZMAN. That is right.

Senator GOLDWATER. Mr. Kitzman, during negotiations on the wage reopen demands from May 23, 1953, to August 20, 1953, did the union take a strike vote?

Mr. KITZMAN. Senator, I believe they did.

Senator GOLDWATER. How many strike votes did you take during the period? Let me put it this way. How many strike votes did you take after the UAW became the bargaining agent?

Mr. KITZMAN. I believe three.

Senator GOLDWATER. Three. Well, isn't that practically every time you talked about negotiations?

Mr. KITZMAN. No. No. You want to remember the 1953 negotiations, that was actually two sets of negotiations. There was a wage reopener every 3 months, which I cautioned the company against, because those are no good in any agreement. But, nevertheless, they had them. So the wages were actually opened long before August. But they dragged over clean into August.

Senator GOLDWATER. I said May 23. Now, Mr. Kitzman, three different strike votes in this period. Are you surprised that the company thought there would be a strike?

Mr. KITZMAN. Frankly, I am not surprised.

Senator GOLDWATER. You made every noise like there would be a strike.

Mr. KITZMAN. I wish you would have been at the bargaining table with me, Senator.

Senator GOLDWATER. No; I don't want to get into that.

Mr. KITZMAN. I hope some day I can have you as a partner of mine.

Senator GOLDWATER. You might be surprised.

Mr. KITZMAN. With this particular company, I mean.

Senator GOLDWATER. I mention that to you because it seems to me that the threat of a strike was rather hanging over their heads constantly. I am not surprised in view of these repeated strike votes that they thought a strike might be coming.

The CHAIRMAN. May I ascertain if all of those strike votes were favorable at this point, for a strike?

Senator GOLDWATER. Yes.

The CHAIRMAN. Were the strike votes you took in each instance favorable for a strike?

Mr. KITZMAN. As far as I know, Mr. Chairman, yes.

The CHAIRMAN. Go ahead. I just thought we would clear that up.

Senator GOLDWATER. You mentioned in your statement that you knew in 1934 company guards had opened fire on another peaceful picket line. Mr. Kitzman, did you see the movies yesterday? Were you here?

Mr. KITZMAN. I did.

Senator GOLDWATER. Did that picketing look like peaceful picketing to you?

Mr. KITZMAN. If you say that that was mass picketing, I will agree to it.

Senator GOLDWATER. You don't say that was mass picketing?

Mr. KITZMAN. I will agree that it was mass picketing.

Senator GOLDWATER. We have that behind us now. Would you call that peaceful picketing?

Mr. KITZMAN. Yes, because there was no rough stuff in that picket line.

Senator GOLDWATER. We had a woman testify that she got her shoes kicked off by one man from Detroit. We had testimony from the chief of police that he was knocked to one knee.

And another man we saw pictures of where somebody had done a pretty good job on his eye.

What is peaceful picketing to you? What does it mean?

Mr. KITZMAN. First, let me point out to you, Senator, that certainly somebody probably got his feet stepped on, certainly probably somebody got shoved. The pictures showed that. I wouldn't sit here and deny that. I wouldn't deny it if I hadn't seen the pictures. Because I think this committee is looking for the facts. I want to be helpful and give you the facts. But I want to point out, Senator, that there is a big difference between mass picketing and peaceful picketing.

There wasn't any guns in that picket line. There weren't any clubs or gas there. All these poor fellows had was their hands and elbows to do a little shoving with, which they did.

Senator GOLDWATER. I have been in situations where hands did pretty good jobs on me. They didn't need clubs or guns. The question I am asking you is: Do you consider that strike to have been peaceful picketing?

Mr. KITZMAN. I do.

Senator GOLDWATER. You do?

Mr. KITZMAN. I do.

Senator GOLDWATER. You honestly do?

Mr. KITZMAN. I do.

Senator GOLDWATER. I would hate to see something you would call rough.

Mr. KITZMAN. Well, again I want to point out that I wasn't there every day.

Senator GOLDWATER. No, but I am talking about these pictures yesterday. We sat and looked at them.

Mr. KITZMAN. I didn't see any rough stuff in those pictures outside of a little pushing.

Senator GOLDWATER. It is pretty good pushing when you push a man the size of the police chief to his knee, and kick the shoes off a small woman, and get a man into shape where he needs a few stitches. I am only mentioning a few of the things. My memory does not

recall all of the acts of violence. But you consider that to be peaceful picketing that we watched on the movies yesterday?

Mr. KITZMAN. In the movies yesterday, I didn't see any shoes get kicked off of a lady.

Senator GOLDWATER. I didn't say that. You saw some men get kicked down, you saw violent shoving.

Mr. KITZMAN. I didn't see anybody get kicked down. I saw some people get pushed, and some people get pushed down but there is a difference between using a club over a guy's head and just pushing them.

Senator GOLDWATER. Let's say we didn't see the movies, but we rely on the testimony of the witnesses before us, who stated they were pushed down, were kicked, were kneed and so forth. On the basis of the testimony of the witnesses, would you call this peaceful picketing?

Mr. KITZMAN. On the basis of what testimony?

Senator GOLDWATER. Of the testimony that has been presented to us by various witnesses.

(The witness conferred with his counsel.)

Mr. KITZMAN. Well, at least one of the witnesses, we claim, perjured himself if he didn't do anything else.

Senator GOLDWATER. We will say, Mr. Kitzman, and your attorney may say, that what we have accepted as evidence are two different things.

Do you consider this to be peaceful picketing in view of the testimony that we have received that you have not questioned?

(The witness conferred with his counsel.)

Mr. KITZMAN. Yes.

Senator GOLDWATER. You do?

Mr. KITZMAN. Yes.

Senator GOLDWATER. You are aware of the Wisconsin law that prevents mass picketing, aren't you?

(The witness conferred with his counsel.)

Senator GOLDWATER. Mr. Chairman, might I ask a question of the Chair? Is it the purpose of counsel in these hearings to propose questions or is it merely to advise when the witness asks?

The CHAIRMAN. A counsel's purpose at these hearings is to advise the witness of his legal rights.

Mr. RAUH. This was a peculiarly legal question that was asked.

The CHAIRMAN. Just a moment.

We frequently indulge counsel or someone sitting near, the privilege of refreshing the witness' memory giving him information that he may be asked about, where he may have to check with someone else related to the proceedings or to his interests. It is improper for counsel to, as we say, put words in the witness' mouth.

Counsel will refrain from doing it.

Mr. RAUH. There has been none of that, Mr. Chairman.

The CHAIRMAN. I didn't say there had been.

Mr. RAUH. This question put was a very legal question about what the law in Wisconsin was. I don't suppose the witness would be asked to answer a question about what the law in Wisconsin was without some help from some lawyer.

Senator GOLDWATER. There were other questions prior to that, Mr. Counsel.

The CHAIRMAN. The witness may answer: Do you know what the law of Wisconsin is with respect to mass picketing?

Mr. KITZMAN. The WERB, Wisconsin Employment Relations Act, word for word, I do not know it.

I know generally what it is.

Senator GOLDWATER. Well, generally, does the law prohibit picketing that prevents a man from going to work if he desires to go to work?

Mr. KITZMAN. Yes; I believe that is in the law.

Senator GOLDWATER. Did you know that before the strike commenced?

Mr. KITZMAN. Yes.

Senator GOLDWATER. Well, did you have a feeling that you were violating the law when you set up mass picketing?

Mr. KITZMAN. I did not.

Senator GOLDWATER. You didn't?

Mr. KITZMAN. Because I felt that these people were out there trying to protect themselves, and that these people were out there because there was a question as to whether the union represented a majority or not. I felt that the company, because of their ads and their radio programs, was more responsible for that picket line than the union was. They were goading them into coming out.

The CHAIRMAN. Senator, would you yield to me at this point just for one question?

Senator GOLDWATER. Yes, Mr. Chairman.

The CHAIRMAN. Could not you have had your mass demonstration at a location where it would not have violated the law and still made the same demonstration, where you would not have, by mass force, preventing ingress and egress into the plant?

Mr. KITZMAN. No, no, Mr. Chairman. If you would have done that, you would have had to be out on the highways or miles away from there, which wouldn't have had any effect at all.

The CHAIRMAN. Well, of course, we just as well be factual about it. We all know the purpose of holding it at those gates and running crowds from one gate to another was not to demonstrate that the majority of the Kohler workers wanted to strike, but it was to keep out of the plant workers who wanted to work. That is the truth about it; isn't it?

(The witness conferred with his counsel.)

Mr. KITZMAN. Yes, absolutely, yes.

The CHAIRMAN. All right.

Senator GOLDWATER. I will yield to Senator Mundt.

Senator MUNDT. Did you say you did know or did not know the Wisconsin law on this subject?

Mr. KITZMAN. I said I knew the general terms of the law. I don't know it word for word.

Senator MUNDT. Let me read you the law, and restate the question. The law says, and I am quoting from the statutes of the State of Wisconsin—

To prevent or hinder by mass picketing, threats, intimidation, force or coercion of any kind, the pursuit of any lawful work or employment, or to obstruct it, interfere with entrance to or egress from any place of employment, or to obstruct or interfere with free and uninterrupted use of public roads, streets, highways, railways, airports or other ways of travel or conveyance.

Note the pertinent phrase of this inquiry is whether there was picketing established to hinder or prevent by mass picketing, threats, intimidation, force or coercion of any kind, the pursuit of any lawful work or employment.

I don't presume that you would deny this picketing was set up to prevent the pursuit of lawful work or employment, would you?

MR. KITZMAN. I didn't quite get the question.

Senator MUNDT. I say I don't suppose that you would deny this picketing was established in order to prevent the pursuit of any lawful work or employment on the part of the nonstrikers?

MR. KITZMAN. This picket line was established to demonstrate that there was a strike at the plant, and certainly to try to persuade anyone who might want to go in, to not go in.

Senator MUNDT. To try to persuade, and if you couldn't persuade them, then to try to prevent them, is that correct?

MR. KITZMAN. Well, I don't know whether they actually—whether a yes answer to that would actually be right. Certainly the strikers did not want to see someone go into that plant and take their jobs away from them. If that is what you mean, that is certainly correct.

Senator MUNDT. Having seen the pictures together, and you saw them for the first time yesterday and so did I——

MR. KITZMAN. That is right.

Senator MUNDT. They were walking almost in lockstep. There was no room for a man, a woman or a midget to pass between the picketers to get to work.

MR. KITZMAN. Had I seen that picture earlier, I might have been able to make corrections on it. That was not a completely true picture.

Senator MUNDT. We will take the part that we saw. The Chair has said, and we concur, that if you have other pictures to introduce, we would like to see them. But certainly from that picture, there was no chance to squeeze an employee through that picket line. It was established to prevent somebody from the outside who wanted to get in from having the opportunities to get in and go to work.

Is that correct?

MR. KITZMAN. The picket line was established for the purpose, as I pointed out, of advertising the strike, and, certainly, to see that no one went in and took the jobs of the strikers away from them.

Senator MUNDT. All right. It presented them. That was an illegal picket line, was it not?

MR. KITZMAN. No, it was not. Look, Mr. Chairman——

Senator MUNDT. I yield to the chairman.

MR. KITZMAN. I don't like to be put into the position all the time, and I am going to ask this of you, Mr. Chairman, because, as I pointed out earlier, I want to be as helpful as I can in this thing, and it is close to me, because I spent a lot of time there. I am constantly being put in the position that I knew the Wisconsin Employment Relations Act was illegal. If I understand the law in Wisconsin, the Employment Relations Peace Act, it is not illegal until you have been cited by the WERB, and there has been a court order issued on it. Up until that point, it is not illegal. And when that was done, and the Kohler Co. could have done this the first week of the strike, when that was done, the union did abide by the law, and did prohibit mass picketing.

The CHAIRMAN. Let the Chair say that would be a legal question. From the Chair's standpoint, whenever a law says something shall not be done, the doing of it is illegal, and whenever something done is illegal, of course, there is a remedy where you may go into court and enjoin the continuing of an illegal act. I would assume that it was illegal, or otherwise the court would not enjoin it, and otherwise the board would not so rule. Let's get back—

Mr. KITZMAN. There is this point, Mr. Chairman, if I may: Under the Wisconsin Employment Peace Act, when the company charges a union or a union charges a company, because this works both ways, of having done something illegal, the WLRB then has either an investigation or a hearing or, in some manner, an ascertainment of the facts.

The CHAIRMAN. They have to find out whether it has been done illegally. If it has not been done illegally, they would never find out that it has been.

Mr. KATZMAN. In many instances, they do not issue the injunction. So you actually don't know until you got the hearing, whether you have an illegal situation on your hands or whether you don't. In this case, the minute it was found it was illegal and the order was issued, the union disbanded it.

The CHAIRMAN. Let me say this: The act itself is illegal. The man may be charged with the act. It may never be proven that he did it. He may never be convicted. But that does not keep the act from being illegal, if the law says it is illegal. So it isn't a question of getting caught and convicted, or a court order issued. The court order that establishes the fact that it is illegal and issues an injunction against it, of course, makes a finding that it is illegal.

But there have been many acts committed, crimes committed, that we know are crimes, but we don't know who did it. We might get the wrong person up and try them. We might get the right person up and try him and yet he wouldn't be convicted.

So the question, as to whether the act was illegal, under the law as read, I would assume it was. But irrespective of whether you think it is illegal until that time, all right, that is a difference of opinion.

But let's get back to the factual things. You said that the pickets were there to keep others from coming in and taking their jobs.

Mr. KITZMAN. That is right.

The CHAIRMAN. All right. They were also there, as you said they were there to keep anyone from taking their jobs away from there, they were also there to take away from those who wanted to work, who were employees of the company, their right to work and their right to go in and continue in their jobs; were they not?

Mr. KITZMAN. They probably were there for that purpose, too, fully realizing that this company would hire people on the outside that had never worked at Kohler before to take their jobs away, because that had been done before.

The CHAIRMAN. Now, just one moment. I don't know. Have you got any proof that anyone came there during that mass picketing?

Mr. KITZMAN. I don't believe they started hiring en masse until after the mass picketing.

The CHAIRMAN. In other words, during the mass picketing period, you knew the people you were keeping out of the plant, keeping away

from their work, were people that were in the employ of the company when the strike came?

Mr. KITZMAN. Yes; but again these people remembered what happened to them in 1934 when they did exactly that same thing. Many times they said to us that their jobs were taken away from them in 1934, and that they certainly weren't going to stand idly by and see that happen again.

The CHAIRMAN. I can appreciate that may have been their mood. I am not questioning that. But I am talking about what the practical results were.

So far as those who actually worked there, and who were known to have worked there, you could have ascertained that, and they could have been permitted to go in, except that you wanted to keep them out and keep the plant completely closed down. I don't think there is any question about that.

Senator ERVIN, did you want to ask a question?

Senator ERVIN. The fact is that in this dispute as in many labor disputes, each side has what they consider weapons. The management has the weapon of hunger, and that is the necessity that most people have to eat bread. On the other hand, labor has a weapon of the strike.

In this situation, is it not a fact that a substantial part of the workers of Kohler were supporting the strike, and a substantial number of them were opposed to the strike?

(Witness conferred with his counsel.)

Mr. KITZMAN. The facts are that the overwhelming majority were in support of the strike, and there were a few who were in opposition to the strike. You are right.

Senator ERVIN. Was it just a few or a substantial number that were opposed to the strike?

Mr. KITZMAN. I have no way of knowing other than what showed up to try to go into work.

Senator ERVIN. Do not the pictures indicate, these pictures that were shown indicate, that a rather substantial number of people were trying, at times, to enter the plant?

(Witness conferred with his counsel.)

Mr. KITZMAN. If my memory serves me correctly, some witness testified here on the other side yesterday and said that he thought there were 40 or 50 of them.

Senator ERVIN. As a matter of fact, I think we might as well get down to the actualities, and not to shadowbox.

As a matter of fact, how many workers were there in the Kohler plant?

Mr. KITZMAN. At the time of the strike? I believe there were about 3,300 or in that number.

Senator ERVIN. Well, now, if all of the 3,300, except 40, were in favor of a strike, don't you know they could have closed down that plant without having any pickets there at all? We might as well face realities.

Mr. KITZMAN. Senator, if the company did not hire new employees, I agree with you. But if the company would have started hiring new employees, all 3,300 that were working there could have been 100 percent in favor of the union and you would have had the same scene and the same picture that you saw yesterday.

Senator ERVIN. It would have been difficult for the company to have gotten 3,300 skilled workers to take their place within any short period of time, wouldn't it?

Mr. KITZMAN. It would, but it could have been done, and at the point the people would have seen outsiders come in to take their jobs, you would have had that mass picketing there. That is all these workers had to protect, was their jobs in the plant. It was making a livelihood with their 10 fingers. That is all they had.

Senator ERVIN. I am not holding a brief on either side of this matter, but I am trying, so far as my own individual conclusions are concerned, to reach them just as if I was a jury who took an oath, like the jurors take in my State of North Carolina, to hear the evidence and render a verdict accordingly.

As a matter of fact, when a strike occurs, the strikers' main object is to put an end to production in the plant, isn't it?

Mr. KITZMAN. That is right.

Senator ERVIN. And to cause a threat to an economic loss to the employer to such an extent that the employer will see that it is to his advantage to enter into negotiations and see if the matter cannot be adjusted?

Mr. KITZMAN. Generally, that is correct.

Senator ERVIN. So when you put out a picket line, the object of your picket line is primarily to keep persons from going into the plant so that you can put an end to the production, is it not?

Mr. KITZMAN. That is right.

Senator ERVIN. And you hope to do that, if you can, by peaceful persuasion?

Mr. KITZMAN. That is right.

Senator ERVIN. And when you resort to mass picketing, as shown in these pictures, where the pickets are walking in lockstep, the object of that mass picketing is to keep the person from penetrating your picket line to get into the plant, isn't it, without using fists or clubs?

Mr. KITZMAN. That is right. That is the only means the workers have.

Senator ERVIN. That is right. I am just trying to keep from us shadowboxing. So when you cannot persuade a person by peaceful words not to try to enter the plant, then the next mildest thing to do is to have mass picketing with lockstep as shown in these pictures, and the object of the lockstep and mass picketing is to keep a man, by the mere mass of the bodies of others, from entering the plant?

Mr. KITZMAN. That is the only means these men have.

Senator ERVIN. I do not want to have any shadowboxing about this matter. My own opinion is that in the final analysis, the interests of management, the interests of stockholders, and the interests of the employees of any company are substantially the same, and that these matters ought to be settled if they could be humanly settled by men sitting around a conference table and trying to act in an intelligent and reasonable manner. Is that not correct?

Mr. KITZMAN. Senator, I agree with that 100 percent. I sit in many negotiations. I have 86 local unions in my jurisdiction, going clean up into the Dakotas. I have 108 contract to service. We are in negotiations all the time.

In fact, when I leave here this evening, that is where I am going, back into negotiations tomorrow with one of the little employers. I

have always believed that. I have always believed it and will always continue to believe that when a company prospers and grows, the union can prosper and grow.

We want to prosper and grow with the company. We want to prosper and grow with the community. We want to prosper and grow with the State and the Nation.

As a union, we want to be an instrument, an instrument of credit to the American society. But when you run into a situation where a company takes the attitude that "We are the judge, the jury, and the prosecuting attorney, and we don't owe the workers anything beyond this, we pay them an hourly wage and beyond that we have no obligation to them, we have no obligation to the community, this is our plant and we are going to run it as we damn see fit" then you are up against a rough, rough situation.

Senator ERVIN. I feel sorry for everybody involved in these kinds of affairs, regardless of their views and all of that, because, after all, management, the workers who are on strike, and the workers who are not on strike, they are all human beings, and they are caught in a situation which is a very difficult situation.

Having in this country the right of freedom of thought, management has a right under our laws to be opposed to all unions, if they want to take that view. There are some that are opposed to all unions. There are some people, on the other hand, that believe everybody ought to be compelled to join a union whether they want to or not.

Then you have these people on strike, and, as you say, they know that the only way they can support their family is by earning their bread by the sweat of their brow. They think that if people go into the plant, they will deprive them of their jobs.

On the other hand, you have some people who want to go in and work, and they have some mouths to feed. It is a question of trying to find some kind of a way to strike a balance between a lot of divergent interests.

That is the reason it is a tragic thing when a strike comes, according to the way I see things.

Mr. KITZMAN. You are dead right, Senator.

Senator ERVIN. But it takes reasonable men on both sides of the bargaining table to take and reach a reasonable agreement. It has to be from both sides.

If you have unreasonable men, either on the side of management or on the side of labor, you are not likely to reach a correct conclusion, are you?

Mr. KITZMAN. That is correct, Senator. I want to point out to you in this situation that even after this strike started, I made a number of efforts, by meeting with 1 or 2 people, in trying to bring about a settlement in this strike. When I was told pointblank, not on one occasion but on several occasions by that management, "Look, Kitzman, we didn't start the strike. The union started it and we are going to teach this union a lesson," that is a far cry from reasonableness at a bargaining table.

We have to remember that you cannot organize a plant, and I have a number of them in my union, you cannot organize any plant, no matter how many organizers you have on it, where there is real

reasonableness on the parts of managements. You cannot organize a plant in the Garden of Eden. It is conditions that organizes unions.

No union ever went on strike. It is conditions inside of a plant that go on strike.

Senator ERVIN. On that last observation, I know some management where you could not possibly organize a union.

Mr. KITZMAN. I have some in my region where you cannot organize a union.

Senator ERVIN. Just so we will not have any shadowboxing, I do not know the law of Wisconsin, but I imagine the law of Wisconsin is based on the common law, and in common law, whenever a man stands in front of me, and just his physical presence prevents me from going where I want to go, if I have a right to go there, he is committing an assault on me, regardless of labor laws.

Frankly, while I am trying to keep my mind open on all of these propositions, I am under the impression that this picketing, this lockstep picketing, as shown in these pictures, was illegal under common law principles, because I think it was designed and intended and did have the effect of keeping the people from going where they wanted to go.

Therefore, I think we might as well concede those things and go on to matters that there could be some dispute about.

(Witness conferred with his counsel.)

The CHAIRMAN. Senator Goldwater?

Senator GOLDWATER. I want to get back to Mr. Kitzman and his statement. You said during the course of your statement that the Kohler Co. announced in full-page ads that they were going to hire strikebreakers.

What is your definition of a strikebreaker?

Mr. KITZMAN. My definition of a strikebreaker is someone who will go in and take the job of a man who is out on strike, fighting for a better way of life, for higher wages, and better conditions in the plant that he works.

Senator GOLDWATER. In your opinion, is that illegal?

Mr. KITZMAN. Are strikebreakers illegal?

Senator GOLDWATER. Yes.

Mr. KITZMAN. As far as I know, there is no law that says it is illegal to be a strikebreaker.

Senator GOLDWATER. Did you know before you went out on strike—

Mr. KITZMAN. The only law I know is against strikebreakers is to transport them over a State line. I know there is a law against transporting strikebreakers over a State line.

Senator GOLDWATER. Mr. Kitzman, did you know or did your attorney advise you prior to the strike that the company had a right to hire strikebreakers?

Mr. KITZMAN. If our attorney advised us whether they had a right to bring strikebreakers?

Senator GOLDWATER. Did you know or did your attorney advise you that the company would be within their legal bounds in hiring strikebreakers or replacements, whatever you call them?

Mr. KITZMAN. I don't believe I ever asked an attorney that question.

(At this point, Senator McClellan left the hearing room.)

Senator GOLDWATER. Did your people that went out on strike know that the company would be within their legal bounds?

Mr. KITZMAN. I don't think they ever considered that.

Senator GOLDWATER. Did you feel a responsibility of telling your members the dangers of going out on strike in this instance where you didn't have 100 percent membership?

Mr. KITZMAN. Believe me. Believe me, I told the membership at the membership meeting what the responsibilities were, and I pleaded with not only the membership but with the community——

Senator GOLDWATER. Before we leave this subject and to keep the record straight, I want to read a very short paragraph from a Supreme Court decision, *NLRB v. McKay Radio and Telegraph*, United States Supreme Court, 1938, (2 L. L. R. M. 610).

They say in paragraph 10:

The second group of economic strikers have a limited right of reinstatement. They may claim their former jobs if permanent replacements have not been hired, but the employers, during the strike and prior to the strikers application for reinstatement, may protect his business by hiring replacements or by discontinuing the job for business reasons. If permanent replacements are hired before the strikers apply for reinstatement, the application may be rejected without subjecting the employer to liability for unlawful discrimination.

I read that just to point out that I think that you, as a member of the union, a responsible official of the union, should have told your members that if they go out on strike, particularly when you do not have 100 percent of the membership of the workers, that there was the danger of their jobs being replaced by other people.

Senator ERVIN. We will stand in recess.

Mr. KITZMAN. Just a very brief answer. Strikebreaking may be legal. Unfortunately, it may be legal, but it certainly is not moral.

Senator ERVIN. The committee will stand in recess for a few moments.

(Brief recess at 4:10 p. m.)

(Members present at the taking of the recess were: Senators Ervin, Goldwater, and Mundt.)

(At this point, the following members were present: Senators McClellan and Ervin.)

The CHAIRMAN. Earlier today, the committee requested of the witness Mr. Capelle an inventory of the tear gas of the Kohler Police Department, Kohler, Wis. He has submitted an inventory, or a statement as to the amount that they had on hand, of ammunition, grenades, and so forth.

That will be printed in the record at the conclusion of Mr. Capelle's testimony.

(The document referred to appears on p. 8541.)

Mr. KITZMAN. Mr. Chairman, if I may, I think there was one thing that I had meant to do that slipped my mind. You will remember I told you about the letter that the Governor sent to the company and the union, asking that they submit the matters in issue to arbitration.

The CHAIRMAN. Yes. I put that letter in.

Mr. KITZMAN. Yes, but there is also another letter which I have a copy of, a letter which the company sent to the Governor, turning down flat his proposal.

That letter is dated July 9, 1954. I would like to read the last two paragraphs.

The CHAIRMAN. The first thing the Chair wants to know is are you prepared to swear that this is a true copy of the letter that the company sent to the Governor?

(The witness conferred with his counsel.)

The CHAIRMAN. I am sure you are confident it is.

Mr. RAUH. We have an ad in the paper, a copy of the ad in the paper, with the letter in it, from which this was taken. All we have to do is submit this, which was their own advertisement, with the copy of the letter which we are happy to do.

The CHAIRMAN. May I present to you here a copy, of what purports to be a copy of an ad that appeared in what paper——

Mr. KITZMAN. The Sheboygan Press, dated July 10, 1954. This was the day after they wrote the letter to the Governor.

The CHAIRMAN. Who published the ad?

Mr. KITZMAN. It is signed "The Kohler Co."

The CHAIRMAN. That ad purports to be the copy of the letter that the company sent in reply to the Governor's letter of suggested arbitration?

Mr. KITZMAN. Yes. The reason I asked to read the last paragraph is because they say here——

The CHAIRMAN. Just a moment. Let's get it established.

Have you compared the ad with the copy of the letter that you have?

(The witness conferred with his counsel.)

The CHAIRMAN. Well, we will just use the ad. I will make the ad exhibit No. 19.

(The document referred to was marked Exhibit No. 19 for reference and may be found in the files of the Select Committee.)

The CHAIRMAN. Now you can use it. Do you wish to read the last paragraph?

Mr. KITZMAN. The last two.

We do not accept your suggestion that we turn the making of a contract and the decision as to wages over to an arbitrator. You are so far wrong in your suggestions that our refusal to let an arbitrator write a contract for us will embarrass us before the public that we shall see to it that the stand we have expressed in this letter gets the fullest publicity.

and they ran the full letter.

The CHAIRMAN. Are there any other questions?

Just a moment. The Chair just happened to observe there was no member of the other side present. Mr. McGovern, will you check and see if they are returning?

Go ahead with your other point.

Mr. KITZMAN. My other point was that it was a suggestion made, or it was pointed out to me, that the union committed the first illegal act. I don't subscribe to that because in the trial examiner's report, on the last page, in conclusions, he found that the first illegal act was actually committed by the company, when they refused to give the union data as far back as March 6, 1954, a month before the strike, data which the union was entitled to, to make an intelligent proposal and bargain intelligently. That is right in the trial examiner's report.

The CHAIRMAN. That is what the National Labor Relations Board examiner has found?

Mr. KITZMAN. That is right.

The CHAIRMAN. And he reported that to the Board.

MR. KITZMAN. Yes. You see, the unfortunate part about that is, Senator, that the union being charged with committing an illegal act, the company could have gotten a remedy within 10 days, if they chose, before the WERB. Yet if you follow, the right which the company chose was to force the union to file unfair labor practices, which have been in the mill since 1954, and, if they appeal them to the Circuit Court of Appeals, and to the United States Supreme Court, it could very well be another 2 or 3 years before there is a decision.

So what happens to a union if they have to litigate in the courts for 5, 6, 7, and 8 years, without a chance to take up grievances or anything else? Obviously, that union dies on the vine.

THE CHAIRMAN. I am not saying who actually committed the first act. I would not know. You say you have a finding there. But from the time of the strike, the strike obviously started with an illegal act, if mass picketing is illegal. What happened in the negotiations back there is subject to testimony, of course. One other thing I think you should do to make the record clear, is this: You stated that the union did send a letter to the governor accepting the proposal. Can you procure for us a copy of that telegram? I think that should go into the record.

MR. KITZMAN. Yes, I think the boys can do that.

MR. RAUH. We will get it, Mr. Chairman. We do not have it right here with us.

THE CHAIRMAN. I am just trying to make the record as it should be. If you will supply it under your oath, we will insert it in the record. I believe that will be made exhibit No. 20, so we will have that also.

(The document referred to was marked "Exhibit No. 20," for reference and will be found in the appendix on p. 8743.)

THE CHAIRMAN. What did you find out, Mr. McGovern?

MR. MCGOVERN. I understand they are on the way over.

THE CHAIRMAN. We will suspend for a moment, then.

Well, Senator Ervin, did you have a question?

SENATOR ERVIN. I have one that may not be relevant to the issues, particularly, but I can understand why the workers at the Kohler plant would like to fit in with a strong union.

But I am curious to know why the UAW was interested in organizing the workers of a plumbing manufacturing plant.

MR. KITZMAN. Well, as I pointed out in the statement that I made, in 1950, several of the Kohler workers came to me. The UAW was organized all plants where workers wanted an organization. We have advised them and if they actually have wanted the union in the plant, we have taken them. We have plumbing ware plants. Universal Rundle is a plumbing ware plant in which we have never had a labor dispute, and in which we have negotiated a fine contract, at least the last couple of times.

SENATOR ERVIN. I was thinking that if I were a UAW worker, I might object to the union taking part of my dues and supporting the plumbing manufacturing employees while on strike.

Of course, I cannot see why the UAW would be organizing the employees of a plumbing manufacturing plant, unless they are either an eleemosynary institution, bent on doing what they conceive to be good, or if they are merely interested in extending their power.

(At this point, Senators Mundt and Goldwater entered the hearing room.)

Mr. KITZMAN. It is the workers who decide what union they want, and here the workers evidently decided they wanted the UAW. After all, the workers decide.

Senator ERVIN. I can understand why the employees of a plumbing company would like to join a strong union, but I am so far puzzled as to why a union which is primarily a union of automobile workers would be interested in organizing the employees of a plumbing company.

Mr. KITZMAN. Well, of course, the Kohler Co. also builds a power-plant, which is a gasoline engine. And, by the way, it is a good one.

Senator ERVIN. Farmers always use gasoline engines, and so do lawyers.

The CHAIRMAN. Let the Chair make this observation. We started a moment ago, and I did not observe that the gentlemen were not here. But, during the time, we have only covered two things, and that is to place in exhibit the letter that the company wrote in answer to the governor's letter which they published in an advertisement in the paper. That has been made an exhibit. And also the letter that the union sent in reply to the governor's letter has been made an exhibit. I believe that is all that has transpired.

I am trying to rush along, hoping to get through with this witness, if we can, because there are others who are expecting to use this caucus room after 5 o'clock. So we are doing the best we can.

Mr. KITZMAN. Senator, I would appreciate that very greatly, as I pointed out earlier. I am watching the clock as I have a plane to catch.

The CHAIRMAN. I cannot tell how much longer the hearing will go. I am going to run until 5 o'clock if necessary.

Are there any further questions? Senator Mundt?

Senator MUNDT. I want to clear up in my own mind, Mr. Kitzman, about your function. You are UAW region 10 director?

Mr. KITZMAN. That is right.

Senator MUNDT. And you are elected, I presume, by the unions of that area?

Mr. KITZMAN. The unions that make up region 10.

Senator MUNDT. Is your salary paid by those unions or from Detroit? Where do you get your salary?

Mr. KITZMAN. I am paid for out of the per capita tax of all of the unions that make up the whole UAW.

Senator MUNDT. It is a union regional office which then sends you a check for payment? Is that the way it goes?

Mr. KITZMAN. That is correct. My payment is made by the national office that collects all of the per capita tax. I am paid the same as every other elected union official is.

Senator MUNDT. Where is that headquarters?

Mr. KITZMAN. It is in Detroit.

Senator MUNDT. You are paid from Detroit. But Detroit, in turn, collects from your constituent unions and pays you your salary?

Mr. KITZMAN. That is correct. Where this money comes from, I don't know, because it comes out of the per capita tax, and it might be workers in Wisconsin.

Senator MUNDT. I think I have the picture. You are elected by the people of your region, and your salary comes from Detroit?

Mr. KITZMAN. That is right.

Senator MUNDT. As regional director, were you sort of in charge of these negotiations and in charge of the ensuing strike? Was that part of your responsibility?

Mr. KITZMAN. The local union is actually in charge of negotiations, and also in charge of any other activities that they have. The responsibility of the regional director is to help them; and, as such, I did participate in a good many of those negotiations, although I was not there every day.

Senator MUNDT. On page 3 of your statement, you have a sentence I cannot quite interpret. You say "At first the strikers came out on the picket line because they were afraid. They were afraid of what the company might do to them for striking."

Suppose they had not gone on the picket line, but had simply gone on strike and stayed home? What were they afraid was going to happen?

Mr. KITZMAN. Well, what I really meant was that they came out on the picket line to prove that they were in support of the strike, and also they all came out there—they didn't want to come out there only 10 or 15 at a time, because every striker that goes on strike, every striker, really has a right to go on the picket line and protect his job.

Now, knowing what had happened once before, and some of these strikers were the same people that were in there in 1934, they felt by coming to the picket line, as they did, they would have some measure of safety and security.

Senator MUNDT. Then maybe you left a word out that you intended to put in. Maybe you meant to say the strikers came out because they were not afraid. I do not see how they would come out because they were afraid. It did not add up to me.

Mr. KITZMAN. What I really meant was safety in numbers. I didn't know until late that I was going to be on today. I dictated that last night, while I was tired, and maybe I did leave a word out.

Senator MUNDT. You left me kind of confused. I thought you were trying to imply that the strikers were afraid to stay home, and so they came out to the picket line where they could be seen and be out in the open. They were afraid that something was going to happen. That apparently was not what you were trying to say.

Now we are back to the main reason, I presume, that you were called and the main purpose that you serve as a witness. It is to determine the point of controversy thus far in the hearing, and that is whether or not this picket line was a legal or illegal instrumentality. I think I understand you correctly, now, but I want you to go on the record, under oath, on which every position you take. I do not want to put words in your mouth, but I think I understand correctly that you hold the position that you feel this was mass picketing, and that you recognize mass picketing as illegal in Wisconsin. If that is an incorrect summation, you correct me.

(The witness conferred with his counsel.)

Mr. KITZMAN. No, Senator, I said that that was mass picketing. I agreed to that.

Senator MUNDT. You said that very definitely.

Mr. KITZMAN. But I did not agree that it was illegal.

Senator MUNDT. I read you the law from Wisconsin which says very specifically that it is illegal, and you had said that mass picketing was what took place. How could you arrive at any other conclusion?

Mr. KITZMAN. My position was that under the Wisconsin law, when a company or a union, it works both ways, makes a charge of something illegal, there is a hearing held to ascertain the facts, and if the facts at the hearing prove out, that something has been done illegally, then they issue an order, which the Board did in this case, and at that point the union complied with the Board's order.

So I feel that up until that time, they hadn't done anything illegal, other than to show up on the picket line, which any striker has a right to do. Even including yourself, Senator Mundt, if you were a worker in a plant and went on strike. You have a right to go to the picket line.

If everyone in that strike came to the picket line, then I would assume that you would not feel that you were doing something illegal.

Senator MUNDT. There is no question but what every striker has a right to go into the picket line.

He puts himself on the picket line and when the fellow worker wants to go in, he should have a right to go in. The law specifically states that if a picket line is so set up and so operated as to keep people who wanted to get employment from getting employment, then it was considered to be illegal.

Mr. KITZMAN. Again, I have to say as I said to you before, that the union did not consider this illegal until there was a Board order, and at that time they abided by it.

Senator MUNDT. At that time they complied with the law. But up until that time they had been in violation of the law, because the law prohibits mass picketing.

Mr. KITZMAN. We are just going around in a circle on that.

Senator MUNDT. As the chairman pointed out, there is a law against murder. Sometimes a man is accused of murder and he gets away, or he is found innocent. Sometimes he is found guilty. But the crime was in committing the murder. It is not in just getting caught. I take it you would not want to testify under oath, Mr. Kitzman, that you feel that this was not an illegal picket line?

Mr. KITZMAN. I believe I already did that.

Senator MUNDT. You certainly haven't done it in my presence. You might have done it.

Mr. KITZMAN. I think I already did that.

Senator MUNDT. Let me ask you the question: Do you want to testify under oath that to the best of your knowledge as a union official, a regional director of UAW region 10, that this was not an illegal picket line?

Mr. KITZMAN. Again, I will have to answer the same as I did several times, that I did not feel, as the workers in the Kohler plant did not feel, that this was a violation of anything until there was a WERB order.

I admit that when the order was issued, that you have to comply with the order. But the order could have also been dismissed, which

would have then just simply proved that it wasn't illegal, which has been done in many strikes.

Senator MUNDT. Who was it that made this finding? The board?

Mr. KITZMAN. The WERB board.

Senator MUNDT. The WERB board then found it was an illegal picket line, is that right?

Mr. KITZMAN. The board order, and I do not know exactly what it said, said that this was an illegal picket line, and limited the amount of pickets to each gate.

Senator MUNDT. That is right. So when the board holds that it is an illegal picket line, and the law, as I read it from the books, and related it to the pictures, indicates it clearly to be an illegal picket line, it is entirely possible that some workingman on the picket line might not have felt he was breaking the law. But very frequently a man who is caught in the toils of the law does not think he has been violating it, though the court holds that ignorance is no defense under the law.

(The witness conferred with his counsel.)

Mr. KITZMAN. I am not a lawyer, Senator Mundt.

Senator MUNDT. You have a good lawyer giving you counsel.

Mr. KITZMAN. I am a farm boy like you are.

If I understood this order correctly, the order said this is what we could not do in the future, and this is how we had to conduct, or they said to the local union—I did not get the order but the local union got it—that this is how they would have to conduct themselves in the future.

Senator MUNDT. As one farm boy to another, the board said, "This is what you cannot do in the future because you have been doing it illegally in the past."

Is that not correct?

Mr. KITZMAN. No, they said, "This is how you have to conduct yourself in the future?"

That is when they limited the number of pickets and everything else.

Senator MUNDT. Right, because what you had been doing in the past was illegal. Let's come clean with it. That is why the board made the statement.

The legislature was not in session. Nobody passed a new law. The board looked the situation over and said, "Now, look, in the future, you have to do it 'so and so,' because what you have been doing in the past is illegal."

That is why they made you change the nature of the picket line. There is no use to quibble about that, but I want to get it into the record.

Mr. KITZMAN. I did not read the order. I was told that was what was in the order, and that is the way the boys conducted themselves from the date that the order came down. But I think, Senator, we have repeatedly said that there was not a striker out there that believed that he was doing something illegal.

He believed he was out there protecting his job. This went all the way up to including myself. I have said it.

Senator MUNDT. I am not arguing about these things that motivated the striker. I can see how the striker might well have felt

that he was protecting himself, if he had kidnaped a strikebreaker or roughed him up pretty good, and he might have had a lot of motivation.

But I am talking about the law.

Mr. KITZMAN. It is illegal to steal, and when somebody charges me that I have stolen something when in my heart I believe I have not, I am not guilty until they prove I am guilty.

Senator MUNDT. If it is illegal to steal, as I believe it is in your State and my State, you are guilty of stealing something at the point that you committed the theft, not when you get caught 6 months later taking it to the pawnshop.

Mr. KITZMAN. If I did not steal anything, I would not consider myself guilty until I was proven guilty.

Senator MUNDT. It is not a question of what you considered yourself. It is if you had stolen it.

Mr. KITZMAN. I have never stolen anything in my life.

Senator MUNDT. I did not bring that in. You brought that in. I am sure you have not.

But we have to get this before us. The purpose of your testimony, I presume, is to plead that this was a legal strike and a legal picket line. You have done it so far, because what you have testified to so far convinces me that the earlier testimony stands, because you have said that "I agree it is a mass picket line."

A mass picket line is illegal, the board so held it to be, and the board so held that you cannot do it in the future because it is illegal up to now. Furthermore, we have the testimony of the sheriff and of the police department, that they actually made some arrests because people were engaging in what they understood to be an illegal picket line because it was picketing.

The law enforcement officers said it was illegal. The mere fact that a poor, innocent striker out there to protect his job did not have a law-book in one hand and a lawyer's brief in the other so he could defend himself, doesn't prove anything at all. We was engaged under the direction of you, or his local, or whoever led the strike. I am not saying who led the strike, because I don't know. I don't suppose they spring spontaneously into being.

I presume they have to be organized. Whoever was leading it may not have known, either. But that does not change the situation. You were still in violation of the law. That seems to be the point of contention.

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Mr. Kitzman, just as we departed to vote, you made a statement that you thought it was morally wrong for the company to hire strikebreakers.

Mr. KITZMAN. Yes.

Senator GOLDWATER. Do you think it is morally wrong for an official of your union to take this attitude, and let me read this statement. It has appeared in numerous places. This happens to have appeared in the Wall Street Journal of August 9, 1956:

Mr. Rand shakes his head as he leans against a huge "Don't Buy Kohler" placard in the UAW office and says, "It seems to me that it is almost sinful to have any labor dispute degenerate to the point where this one has, where we actually have to wreck the company. That's what we are doing, wrecking the company."

Is that a good moral statement for a member of your union to make?

Mr. KITZMAN. I don't know whether Mr. Rand said that or not. But if Mr. Rand said that the union was wrecking the company, that is wrong. I, personally, do not believe in that.

Senator GOLDWATER. You don't believe in it. I am glad to hear you say that. We will get a chance to ask Mr. Rand, I suppose, as to whether he said it or not. It has been fairly well kicked around by the press.

Now having established your feeling on that, it has been testified to, yesterday and today by the sheriff of Sheboygan County and by the police chief of the village of Kohler, that on several occasions he asked members of the picket line or ordered members of the picket line to stand aside so that people could get into work, and they refused to obey peace officers.

Do you feel that that is morally right?

Mr. KITZMAN. I never heard the sheriff.

Senator GOLDWATER. Were you here when he testified?

Mr. KITZMAN. That is right. I was here when he testified. I was never in the picket line anywhere where the sheriff made that request. So I don't know whether the sheriff ever made that request or whether he did not.

Senator GOLDWATER. Well, you were here today——

Mr. KITZMAN. And if he made the request that the picket line be opened, I don't know what the pickets told him. Therefore, I am in no position to answer that.

Senator GOLDWATER. How about the chief of police? He said that he had made several requests of pickets to stand aside.

Mr. KITZMAN. I am in the same position with him. I never heard the chief of police make a request of anybody.

Senator GOLDWATER. The men were testifying under oath to this effect. We have to assume, in the absence of any evidence of perjury, that they were telling the truth.

Do you think it is morally right to disobey police or sheriff orders?

Mr. KITZMAN. It all depends on what the order is.

Senator GOLDWATER. Here was a case——

Mr. KITZMAN. Here was——

Senator GOLDWATER. Let me finish.

Here was a case where the law was being violated in mass picketing. You admit there was mass picketing. The sheriff and police chief have, on numerous occasions, ordered the pickets to allow people in to work and they refused to do it.

Whether you heard it or not, do you think that is morally right? We are interested in morals.

Mr. KITZMAN. I think that people have a moral right to protect their jobs. I don't know what this police chief said to them. I would be unable to answer on that.

I think those pickets had a moral right to protect their jobs.

Senator GOLDWATER. Mr. Kitzman, right there, didn't the people who wanted to get in to work have the same moral right to protect their jobs?

Mr. KITZMAN. I did not get the question.

Senator GOLDWATER. Didn't the people who wanted to get through the picket line in to their jobs have the same moral right to protect their jobs?

(The witness conferred with his counsel.)

Senator GOLDWATER. Does this morality only apply to the union members? Doesn't it extend to nonunion members also?

Mr. KITZMAN. I believe it does.

Senator GOLDWATER. The man that was trying to get through that picket line was just as interested in keeping his job as the pickets were, wouldn't you assume?

Mr. KITZMAN. You see, if I give you a "yes" answer to that, you only have half of the story, because there was a firm belief on the part of the strikers that these nonstrikers were, many of them, and later on they said so, some of them, really coached and told to go through the picket line, and the union members believed that they should not go in and take their jobs.

On the basis of that, they kept their picket line, until it was proven that they ought to have a different type of a picket line, at which time they complied.

Senator MUNDT. I wonder if you could straighten me out a little on your definition of a strikebreaker. Let's say Tom, Dick, and Harry work for Kohler, and Tom and Dick join the union and Harry does not. Tom and Dick go on strike and go in the picket line and Harry does not.

Harry wants to go to work Monday morning and Tom and Dick stop him. How about Harry? Doesn't he have a right to work?

Mr. KITZMAN. I wish you would use a different company than the Kohler. Here is the way it would work out. I personally would consider Harry a strikebreaker and the Kohler Co. would consider him a loyal employee.

Senator MUNDT. He is not a new man, but Tom and Dick and Harry all came to work together. After 10 years, they have a different sense of opinion, which is American. Harry wants to keep on working on the same old job in the same old way, and Tom and Dick believe the union would be helpful, so they set up a picket line.

He is a strikebreaker because he tries to work at his old job?

Mr. KITZMAN. The union would consider him a strikebreaker.

Senator MUNDT. I always thought a strikebreaker was someone brought in from outside, but in this case he would be considered a strikebreaker?

Mr. KITZMAN. No, not necessarily.

Senator MUNDT. I thought you said he would be considered a strikebreaker by the union?

Mr. KITZMAN. No, I think it was another question. I think the question was whether or not a strikebreaker or strikebreaking was illegal, and I said to my knowledge it was not illegal, but only when you brought them across State lines.

Senator MUNDT. I am getting to your definition of a striker, when the third man on the team wants to continue to work and earn a living for his family, whether he is a strikebreaker because he tries to go through the picket line and earn a living on his job.

Mr. KITZMAN. If he goes in and takes the job of the other two—

Senator MUNDT. This is his job. He has a right to his job. There are 3 machines, and 3 men. Tom, Dick, and Harry each have a machine. Tom and Dick say they want to strike, and Harry says, "I want to work on my machine." Is he a strikebreaker?

Mr. KITZMAN. The union would consider him a strikebreaker.

Senator MUNDT. That is what I wanted to find out. It wasn't a question of whether it is legal or illegal.

Senator GOLDWATER. In effect, then, what you are saying is that anybody who works in a plant who disagrees with the union is a strikebreaker?

Mr. KITZMAN. That, of course, is not correct, Senator.

Senator GOLDWATER. You just said that.

Mr. KITZMAN. No, I didn't say that, and don't you put words in my mouth. I know what I said, myself. The union firmly believes that when there is a strike called by the workers in the plant and a majority have participated in such a meeting called for that purpose, and the majority have voted to take that action, that anyone who has an opposition to that has the right to say so at the union meeting.

But once the will of the majority has been taken, then the minority ought to go along with it. Therefore, if anyone wanted to go into work, the union would consider them a strikebreaker.

Senator GOLDWATER. Mr. Kitzman, on that point, let's get some more of this union philosophy, because it is very interesting.

I believe there were 3,300 and some people working in the Kohler plant at the time the strike was called. If my memory serves me correctly, there were about 2,500 of those 3,300 who were members of the union. About 50 percent of the union membership, or about 1,250, about 1,254, participated in the vote; 1,105 of those, and these are union members, voted "yes," and 148 voted "no," and 1 drew a blank.

We are not talking about the majority of the people in this plant. We are not even talking about the majority of the people in the union, because less than a majority of the people voted. A majority of those who showed up for the meeting, yes, I will agree with you, they voted. But you are talking about a majority. You are not talking about a majority of the workers.

What actually has happened in this case is about one-third of the people decided that the other two-thirds should go out on strike.

Now, let's say that the members of the union who didn't vote can be bound by the vote taken in this meeting. But where do you get any moral right to bind those people to strike who aren't members of the union, who don't want to belong to the union for some reason or other?

You are on very weak grounds here, because you do not have a majority to start talking about.

Mr. KITZMAN. First let me point out to you, Senator, whenever there is a strike vote taken, or a strike vote called, by our constitution the union is required to post a notice in the plant, saying that on such and such a date there will be a meeting for that purpose, which was done in this case.

As I understand, there were some 2,700 union members, 2,700 or 2,800. I don't know how many attended that meeting, but those figures you give me, I assume, are correct.

I am also told that a good many of them left the meeting and said "Whatever is done here, we are for it," because the voting was taking a long time.

But the point I want to make is that every single member had a right to attend that meeting. If the member doesn't choose to use that right, then the union, the balance of them that take that position,

ought not to be blamed for it, because every member had a right to be at that meeting, every single one of them.

Senator GOLDWATER. I agree with you that they not only had a right, but I think they should have been there.

What we have heard over this period of time is rather appalling. But what I am talking about is that you don't represent in this vote the majority of the workers.

In effect, what you are saying is that one-third of the workers, and that is about it, 1,105 is about one-third of 3,300 workers, one-third of the workers said they were going to walk out on strike, and, therefore, the other two-thirds have to go with them. Let me repeat myself.

I will agree with you that the union members who didn't vote might be bound by virtue of the fact that they didn't vote, bound to the action of the union. But how about those, the 1,100 people, who didn't belong to the union, who didn't want to belong for reasons of their own, who wanted to continue to work in Kohler, and you prevented them from working by preventing them from going through the picket line.

I can't get that all to add up to your moral reasoning on the company versus the strikebreaker.

Mr. KITZMAN. Well, again, I have to point out that everyone had a chance to be there.

Senator GOLDWATER. I am not arguing that.

Mr. KITZMAN. If they didn't come there, the union ought not to be blamed for that.

Senator GOLDWATER. I am not blaming you.

Mr. KITZMAN. The majority of those that were there, not only a majority but two-thirds, or nine-tenths of them——

Senator GOLDWATER. Eighty-eight percent.

Mr. KITZMAN. Eighty-eighty percent; yes.

Senator GOLDWATER. But the 88 percent was less than half of your union membership.

The CHAIRMAN. You will need this witness again Monday?

(At this point, Senator Ervin left the hearing room.)

Senator GOLDWATER. No.

The CHAIRMAN. You gentlemen cannot be here tomorrow?

Senator GOLDWATER. No, I am sorry, I cannot.

The CHAIRMAN. Will you need this witness again Monday?

If not, you may be excused.

The committee will stand in recess until Monday afternoon at 2 o'clock.

(Whereupon, at 5 p. m., the committee recessed to reconvene at 2 p. m., Monday, March 3, 1958.)

(Members of the committee present at the taking of the recess were: Senators McClellan, Mundt, and Goldwater.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

MONDAY, MARCH 3, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 2 p. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Pat McNamara, Democrat, Michigan; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adleman, assistant chief counsel; John J. McGovern, assistant counsel; Margaret W. Duckett, assistant chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were: Senators McClellan, Goldwater, and Curtis.)

The CHAIRMAN. Mr. O'Neil, will you come around, please.

TESTIMONY OF LAWRENCE O'NEIL, ACCOMPANIED BY HIS COUNSEL, LYMAN C. CONGER—Resumed

The CHAIRMAN. Mr. O'Neil, you are being recalled as a witness. You testified under oath one day last week, I believe?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. You will remain under the same oath.

At that time you were requested to procure and deliver to the committee the remainder of the films that were taken during the course of the strike, or the mass picketing.

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. You stated at that time, I think, you had some 400 feet that you did not have with you that had been taken out?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. From the others?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. Have you procured those films?

Mr. O'NEIL. Yes, sir, I have.

The CHAIRMAN. You have them here?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. Now, those that you have here, together with what the committee has, constitute all of the films or all of the pictures that were made, the moving pictures of the strike?

Mr. O'NEIL. Of the mass picketing, sir, and not the strike.

The CHAIRMAN. Of the mass picketing?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. You have other still pictures, do you?

Mr. O'NEIL. We have other stills, and other moving pictures which were introduced in the NLRB hearing.

The CHAIRMAN. Which were introduced in the hearing?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. All right. They may be delivered to the committee at this time, and they will be made exhibit No. 21 for reference only.

(The film referred to was marked "Exhibit No. 21" for reference and may be found in the files of the select committee.)

The CHAIRMAN. There has been some question raised about the validity of the pictures, as to whether they had been doctored in any way or something, and of course the committee cannot pass upon these until we have had an opportunity to see them.

It will not be necessary for them to be shown at this time, but the committee will view them at its pleasure at some other time. But I did want to get all of the pictures in here.

Senator GOLDWATER. Mr. Chairman, might I offer a suggestion for correction, that immediately after you asked Mr. O'Neil if he had other pictures, and he replied saying that he had stills and movies of other phases of the strike, and you said that they will be made an exhibit, I know you were only referring to the two cans of film that he had.

The CHAIRMAN. I mean these here, those that he is delivering will be made an exhibit.

Senator GOLDWATER. He hasn't offered the pictures that were shown before the NLRB as evidence.

The CHAIRMAN. That is right.

All right, are there any other questions of this witness?

You may stand aside, Mr. O'Neil, a moment, and will you remain where you are, Mr. Conger, please.

Mr. Frank Concellare, will you come around to the witness stand, please.

Will you be sworn. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CONCELLARE. I do.

TESTIMONY OF FRANK CONCELLARE

The CHAIRMAN. State your name, and your place of residence, and your business or occupation?

Mr. CONCELLARE. Frank Concellare. I work with the United Press News Picture, and I live at 109 South Utah, Arlington, Va.

The CHAIRMAN. Who are you working for today?

Mr. CONCELLARE. The United Press News Pictures.

The CHAIRMAN. Who else?

Mr. CONCELLARE. That is who I am working for. That is all I know.

The CHAIRMAN. Have you had any special arrangements made with you by anyone involved in this controversy to be here and take certain pictures if you got a chance to do it?

Mr. CONCELLARE. My office told me to make pictures of Mr. Rauh whenever I could.

The CHAIRMAN. And who else? Let us get the facts.

Mr. CONCELLARE. With anyone; just anything concerning Mr. Rauh.

The CHAIRMAN. I understood you have been employed especially to make pictures of members of this committee if they are seen talking to anybody representing the union. Is that true?

Mr. CONCELLARE. I was told this morning by phone to make any pictures at all of Mr. Rauh.

The CHAIRMAN. What were you told the day before this morning, or last week?

Mr. CONCELLARE. I wasn't here last week. I was covering the White House for the last month.

The CHAIRMAN. You weren't here last week?

Mr. CONCELLARE. No, sir.

The CHAIRMAN. Who was the other man?

Mr. CONCELLARE. There were some other members of my office who might have had the same orders, and I don't know.

The CHAIRMAN. Mr. Conger, may I ask you a question. I understood that you had made a special arrangement to employ this gentleman here sitting by you, and also—what is the name of the other man—Mr. Treddic—to try to get pictures of members of this committee talking to some representatives of the union; is that true?

TESTIMONY OF LYMAN C. CONGER—Resumed

Mr. CONGER. I know of no such arrangement, sir.

The CHAIRMAN. You didn't make any such arrangement?

Mr. CONGER. No, sir. I have not asked anyone to take pictures of this committee, as far as I know.

The CHAIRMAN. We had better know about it.

Mr. CONGER. As far as I know, none of my people have.

The CHAIRMAN. Do you know George Gallati?

Mr. CONGER. Yes, sir.

The CHAIRMAN. Is he here?

Mr. CONGER. I believe he is.

The CHAIRMAN. Did he make any arrangements for you?

Mr. CONGER. He has made arrangements to take pictures.

The CHAIRMAN. Call him around here, and let me run this down. It is either true or not true, and if it is true, I want the record to show it.

Come around, Mr. Gallati.

Will you be sworn. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GALLATI. I do.

TESTIMONY OF GEORGE C. GALLATI, ACCOMPANIED BY HIS
COUNSEL, LYMAN C. CONGER

The CHAIRMAN. State your name and your place of residence, and your business or occupation.

Mr. GALLATI. I am George C. Gallati, and I live at Kohler, Wis., and I am employed by the Kohler Co.

The CHAIRMAN. Are you here as one of their representatives?

Mr. GALLATI. Yes, sir, I am.

The CHAIRMAN. Have you made any special arrangements to have pictures made of members of this committee talking to union members?

Mr. GALLATI. Not any special arrangements, no.

The CHAIRMAN. What is the name of that fellow?

What arrangements have you made?

Mr. GALLATI. I did make an arrangement with the United News Pictures to have a photograph taken of a picket walking in the street in front of the AFL-CIO Building, and I noticed the other newspapers had similar pictures taken, and then I asked for a picture or two taken here that we could use in the employee publication of Kohler Co.

The CHAIRMAN. What kind of a picture did you want?

Mr. GALLATI. Principally I wanted one of Mr. Conger on the stand.

The CHAIRMAN. You made no arrangements with either of these photographers that we have been talking with here to take pictures, particularly of members of the committee if they happened to catch them in conversation with the attorney or any other representatives of the union? Did you not do that, or did you?

Mr. GALLATI. May I speak to the counsel?

Mr. KENNEDY. Now, you would know.

The CHAIRMAN. Wait a moment. You are both under oath. As far as I am concerned, I want to know the facts.

If you did it, say so, and if you didn't, say you didn't.

Mr. GALLATI. I suggested it to him; yes.

The CHAIRMAN. You did, to whom?

Mr. GALLATI. I don't recall his name.

The CHAIRMAN. A photographer?

Mr. GALLATI. In a conversation with the bureau manager of the United Press Pictures here, George, and I don't recall his last name now.

The CHAIRMAN. I see. What kind of pictures do you want of us?

Mr. GALLATI. I don't care for any.

The CHAIRMAN. You decided now you don't want any?

Mr. GALLATI. Yes, sir, I have, sir.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. Mr. Gallati, didn't you make an arrangement with the United Press that they would have a photographer up here to take pictures of any member of the committee or any member of the staff that was talking to Mr. Rauh, as the representative of the union, yes or no?

Mr. GALLATI. Yes.

The CHAIRMAN. You are going to pay them especially for it?

Mr. GALLATI. If he took any and if there was a bill.

Mr. KENNEDY. You had a special photographer up here on Friday, that was here for the sole purpose of taking a picture of any member of the committee or any member of the staff who were seen talking to the union attorney?

Mr. GALLATI. He came very late.

Mr. KENNEDY. I don't care whether he came late, but didn't you make those arrangements with the United Press?

Mr. GALLATI. I did.

Mr. KENNEDY. And you made the same arrangements for today, to have the representative of United Press take pictures of any member of the committee or any member of the staff who was talking to the attorney for the United Automobile Workers?

Mr. GALLATI. I asked him if he would; yes.

The CHAIRMAN. All right. Are there any further questions?

Senator MUNDT. I don't know what this is all about, but speaking as one member of the committee, I don't object to a photographer taking pictures of me talking with anybody, and I don't know what this is all about.

We have a lot of photographers around here, and they take pictures all of the time, and if they want to take pictures of me talking to Mr. Rauh, or Mr. Kohler, or Mr. "X," if he has legitimate business in the committee room and he is testifying, I would think that would be their privilege.

I don't know whether the United Press has done something wrong or not, but I just don't like to have the whole committee get in a position of condemning the press service with what information I have available to me.

The CHAIRMAN. The Chair wishes to make an observation.

Senator MUNDT. This is the first I have heard anything about it.

The CHAIRMAN. The Chair wishes to make this observation: I have no objection on earth to taking my picture anywhere at any time, but to hire a photographer to come up here especially to try to get a picture to lend some color of truth to what otherwise is intended to get something to try to smear members of this committee, in my book, it is pretty low. It is pretty rotten.

Mr. CONGER. Mr. Chairman, there has been no such attempt, and there certainly hasn't been any such result or intention.

The CHAIRMAN. We will see what pictures come out.

Senator CURTIS. Mr. Chairman, I want to know whether or not it has been the practice of this committee to prohibit parties who are subject to our investigation from taking pictures of the proceedings here?

The CHAIRMAN. No, sir; they are all welcome, but when a special arrangement is made like this, I am going to expose it.

Senator CURTIS. Has there been any search by the staff to ascertain whether the UAW have taken pictures here, or hired anybody to take pictures?

The CHAIRMAN. We will call them around right now and ask them.

Mr. KENNEDY. We should straighten out that this is no reflection on the United Press and it wasn't intended as any. It was a question of their being hired.

Senator CURTIS. I was asking not whether or not there had been such pictures taken, but I asked whether or not the staff had ascertained whether there have been any.

The CHAIRMAN. I haven't ascertained, but I am going to ascertain right now.

Senator CURTIS. I had a little experience with this. A year ago I served on a Subcommittee on Privileges and Elections of the Rules Committee, and we had before us Mr. Walter Reuther. He not only brought his own photographers to take still pictures, but he brought his own movie cameras.

He even hired a free-lance photographer to take sound pictures, and he came into the committee and there was an extra microphone, and this isn't the responsibility of the distinguished chairman from Arkansas, I realize that, but he came in the committee and there was an extra microphone in front of every committee member, put there by Walter Reuther of the UAW.

Now, what I want to know is this: I don't care whether a photographer is here or not, but I want to know whether or not the staff have ascertained up to this time whether or not they are taking pictures here.

The CHAIRMAN. I don't know whether they have or not. Do you have any information that they have hired someone, too?

Senator CURTIS. I did not hear of any of this until just now.

The CHAIRMAN. I did not either until a little while ago.

Have you any information that the union is doing the same thing, Mr. Kennedy?

Mr. KENNEDY. I have no information that they are doing the same thing at all, Mr. Chairman.

Senator CURTIS. What I want to know is if they have checked.

I would like to know from the chief counsel whether or not he has checked.

The CHAIRMAN. Have you checked or made any check against that?

Mr. KENNEDY. No, I have not.

Senator CURTIS. Have you had anybody else make a check of it?

Mr. KENNEDY. I had some information that this was being done, that the Kohler Co. was hiring a photographer to take pictures of any member of the committee or any staff member who was seen talking to the representatives of the UAW.

This seemed to me to be an unusual situation which I brought to the attention of the chairman. I have no information that the UAW has requested a photographer to come up and take pictures of any member of the staff or any member of the committee who is seen talking to Mr. Conger.

If I had that information, I would have reported it to the committee.

Senator ERVIN. I have been out and could not get here to the committee meeting, but do I understand that the Kohler Co. has made arrangements to have snapshot pictures made of any member of the committee that happened to speak or be spoken to by a UAW counsel or officer?

Mr. CONGER. No, sir; not on my instructions, certainly not.

I have suggested to our people that they take special news photographs for our purpose, and for our publication, and for our record of this proceeding. I see nothing wrong in it, and I have not asked anyone or instructed any member of my staff to take particular photographs of members of this committee.

Senator ERVIN. I was just wondering, because I am frank enough to admit that I do not think that anybody would want a photograph depicting my particular store of pulchritude for esthetic purposes, and I was just curious to find out for what purpose anyone might want to take my picture under those circumstances.

You disclaimed for yourself, and did the other gentleman disclaim directions or making arrangements to take pictures of Senators who happened to speak to members of the UAW who were spoken to by members of the UAW?

Mr. GALLATI. That was not the request; no, sir.

Senator ERVIN. What was it?

Mr. GALLATI. It was a request that the counsel—or any pictures that he might see of the UAW counsel talking to committee investigators. That was all. But we wanted other news pictures for use in our own publication, and that was the principal reason why we engaged United Press.

Senator ERVIN. Did you instruct them not to take pictures of committee people that happened to speak or be spoken to by counsel for the UAW?

I would like to know in plain and simple English whether or not arrangements were made to take pictures of members of the committee that were spoken to.

Mr. GALLATI. No, sir.

Senator ERVIN. If a member of or any official of the Kohler Co. wants to speak to me, just introduce himself to me, or a member of the UAW staff, I am a peace-loving man and I am not going to knock anybody down that introduces himself to me and wants to shake hands, or wants to speak to me.

On the other hand, I don't like to be put in the appearance of running away from anything. I just can't understand such a procedure. I am, I think, very fair and impartial in this hearing, and I have so far as I am concerned, although I have been accused of things, I am not conscious of possessing any bias one way or the other.

I have had 15 years of my life spent as occupying judicial offices. I have always tried to give everybody that came before me a fair hearing, and I have also made it a practice in my life never to reach any judgment, final judgment or to come to any final conclusion about anything until I have heard all of the evidence and all of the explanations, and I expect to do that in this case, as I have always striven to do in all other cases.

This is a rather strange thing to me.

Senator GOLDWATER. Mr. Chairman, in order that we might get this show on the road, and to clear things up, I will be very happy to pose with Mr. Rauh, and everybody that wants to take a picture of the two of us can do it, and maybe we can get on with the hearing.

The CHAIRMAN. The Chair has already posed with him for the benefit of those who were interested in getting such a picture.

I will accommodate you any time, I don't care. But I just think it is pretty low and pretty rotten to go to hiring photographers to come around to get pictures to use under circumstances maybe to corroborate a smear.

Mr. CONGER. I cannot see any sinister implication in it, Senator. I believe that I have a right to speak to any Senator on this committee

at any time, and I believe the UAW has an equal right, and I believe that none of us need make any secret about it.

And I believe if certain pictures are taken it would be well to await the event as to whether any improper use is made of them. I think this is completely premature.

Senator ERVIN. You see, in this situation I know counsel for the UAW, having met him on one occasion, and he and I both appeared on a panel for discussing the question of the right of unpopular clients to have legal representation.

While he and I disagree on many things, my only prior contact with him was most pleasant personally. I might say the same thing with reference to Mr. Conger, and I have just met him.

But I just can't imagine any legitimate object that could be served by the taking of such photographs because some of the members of the committee staff, their pulchritude is just about the same general caliber as mine.

Mr. GALLATI. Mr. Chairman, could I have one word?

No pictures have been taken here at our direction, none whatsoever.

The CHAIRMAN. It just isn't necessary to do it that way, and if you want my picture with any of them, because I will be glad to accommodate you. I am going to see anyone who wants to talk to me about this investigation, or any other matter, if I think they have business worthy of my attention.

It does not matter with me whether it is Mr. Kohler, or Mr. Reuther, or Mr. Anybody else. I don't feel under any restraint whatsoever when I try to carry on public business, about who I am seen with, and who talks to me.

If it is public business, and in line with my official duties, I don't care about you getting the picture any time. But I do think that such an arrangement, it had a little bad odor as far as I was concerned.

Mr. RAUH, will you come around. You have been sworn?

Mr. RAUH. No, sir.

The CHAIRMAN. Let us get at it.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RAUH. I do.

TESTIMONY OF JOSEPH L. RAUH, JR.

The CHAIRMAN. State your name.

Mr. RAUH. Joseph L. Rauh, R-a-u-h, Jr.

The CHAIRMAN. What is your address?

Mr. RAUH. 1631 K Street, Washington, D. C.

The CHAIRMAN. What is your business?

Mr. RAUH. I am an attorney at law.

The CHAIRMAN. Whom do you represent here?

Mr. RAUH. I represent the United Automobile Workers.

The CHAIRMAN. Do you have any information that they have been hiring photographers to take special pictures of members of the committee when seen talking to anyone else?

Mr. RAUH. On the contrary, since this matter came up, this afternoon, I have checked with all of the responsible officials here, and I

am informed that we have made no arrangements for pictures nor taken any in this room.

The CHAIRMAN. Are there any questions?

Mr. RAUH. I might say that I hope the Senator does not suffer in Arkansas, from a picture with me.

The CHAIRMAN. If I do, it is in line of duty.

You may stand aside.

(At this point, the following members were present: Senators McClellan, Ervin, Curtis, Mundt, and Goldwater.)

Senator ERVIN. I might state in that connection I believe you and I, Mr. Rauh, although we didn't know each other at the time, I believe you and I both attended Harvard Law School.

Mr. RAUH. We were on the law school forum on representation on unpopular clients and I can't remember any argument we had that was relevant that went on there.

Senator ERVIN. I would just like to say in that connection sometime ago I spoke to the Harvard Law School Association of New York. I was introduced by Dean Griswold. I told him that some time before that I had made a public speech in North Carolina, and one of my introducers had told the audience that I was a graduate of Harvard Law School, but he was glad that nobody would ever suspect it. I told Dean Griswold that I didn't know whether he was speaking in defense of Harvard Law School or my defense.

Mr. RAUH. Thank you, sir.

The CHAIRMAN. Mr. Konec, come forward, please. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. KONEC. I do.

TESTIMONY OF JOHN KONEC, ACCOMPANIED BY JOSEPH L. RAUH, JR., COUNSEL

The CHAIRMAN. State your name, your place of residence and business or occupation.

Mr. KONEC. John Konec, I live at 1902 South 12th Street, Sheboygan, Wis., and I am a tavernkeeper.

The CHAIRMAN. You have counsel?

Mr. KONEC. Yes.

The CHAIRMAN. Let the record show that Mr. Rauh appears as counsel.

Mr. KENNEDY. You were working at the Kohler Co.?

Mr. KONEC. Yes.

Mr. KENNEDY. For what period of time?

Mr. KONEC. Well, I worked there on several different occasions. The last time that I went back to work for the Kohler Co. was in 1951, I believe.

Mr. KENNEDY. About 1951?

Mr. KONEC. That is right.

Mr. KENNEDY. Did you work there prior to that time?

Mr. KONEC. Yes.

Mr. KENNEDY. You have lived in Sheboygan all your life, have you?

Mr. KONEC. No. Since 1927.

Mr. KENNEDY. Since 1927 you have been living there?

Mr. KONEC. That is right.

Mr. KENNEDY. What was your position in the Kohler Co.?

Mr. KONEC. Well, at the time we went on strike, I was a molder in the brass foundry.

Mr. KENNEDY. And did you vote to affiliate, that the KWA affiliate with the UAW?

Mr. KONEC. No. I don't believe I was there at that time.

Mr. KENNEDY. But you joined the UAW?

Mr. KONEC. Yes, sir.

Mr. KENNEDY. And when they went out on strike, you became a picket yourself? You went out on strike with them?

Mr. KONEC. I went out on strike, but I was appointed chief picket captain by local 833 strike committee.

Mr. KENNEDY. Were you an official of the local prior to that time?

Mr. KONEC. Yes, I was chief steward.

Mr. KENNEDY. Were you appointed or elected chief steward?

Mr. KONEC. I was elected chief steward.

Mr. KENNEDY. Did you have any opposition?

Mr. KONEC. Yes.

Mr. KENNEDY. And was it a secret ballot, an open ballot or what?

Mr. KONEC. It was an open ballot.

Mr. KENNEDY. Then, when the union went out on strike, you became the picket captain, did you say?

Mr. KONEC. Yes; I was appointed by local 833 executive board.

Mr. KENNEDY. Who makes up the local 833 executive board?

Mr. KONEC. That is made up of the president, the vice president, the recording secretary, six chief stewards, guide, and sergeants at arms.

Mr. KENNEDY. Are they all members of the local?

Mr. KONEC. Yes.

Mr. KENNEDY. There are not any outsiders in that group?

Mr. KONEC. No, sir.

Mr. KENNEDY. What were your duties and responsibilities as chief picket captain?

Mr. KONEC. Well, when we anticipated there was going to be a strike they called me in and asked me if I would take the job at first, when the board appointed me, and I told them that I would. So they called me up to a meeting and they told me that my duties—the first duty that I would have was to select picket captains at all the gates or entrances to the Kohler Co.

I don't know everybody that works at Kohler Co.; so I asked the chief stewards, and we had some cards made, whether or not they wouldn't take them back into their various departments and ask people to become gate captains, turn the cards over to me, and it was up to me to select gate captains out of the file of cards I received.

Mr. KENNEDY. Did you perform those responsibilities?

Mr. KONEC. Yes.

Mr. KENNEDY. What were your instructions to the pickets in front of the company?

Mr. KONEC. In front of the company?

Mr. KENNEDY. What were your instructions to the pickets?

Mr. KONEC. Well, we had a strike committee meeting, of which I was a member. I had a voice but no vote. Shortly before the strike we

decided that, if there was going to be a strike—we knew it was going to be at the last meeting, that the Kohler Co. did not call and want to negotiate any further; so we set up a set of rules. That was the Sunday before the strike. That was April 4, 1954.

We set up a set of rules which consisted that everybody be out on the picket line, that nobody come out there intoxicated, have no intoxicating drinks when you do come out there, that you behave yourself in an orderly manner, and you carry no weapons whatsoever. That is the set of instructions we gave the pickets orally at the mass meeting.

Mr. KENNEDY. Did you give them any written instructions?

Mr. KONEC. Later we did, but at that time we didn't.

Mr. KENNEDY. When the pickets came out there, who made the arrangements for them, as far as where they would stand, where they would walk, and how they would behave?

Mr. KONEC. I made those arrangements for the first few days of the strike. We had nothing prepared, so at that mass meeting at the end, we announced—I don't remember exactly who it was—we told them to picket the gate that they normally entered. Well, there are a few entrances at Kohler Co. that are locked, but they could be used as entrances. So I selected picket captains, and I had the picket captains stay after the meeting and instructed them to pick 25 or 30 people to picket those gates, even though they were locked, but to picket them anyway.

Mr. KENNEDY. Were there international organizers, international representatives of the UAW present at the time the picketing began?

Mr. KONEC. Yes.

Mr. KENNEDY. They were your superiors, were they not? You would take instructions from them if they had anything to say?

Mr. KONEC. Well, they would make suggestions. I would not say I took instructions from them.

Mr. KENNEDY. They were well aware of the fact that during the time of the picketing, there was mass picketing going on, and that the nonstrikers were unable to get into the plant; were they not?

They were aware of that fact?

Mr. KONEC. On April 5 and 6, I don't remember seeing any non-strikers there.

Mr. KENNEDY. Let's take it for a few days after that, when the nonstrikers attempted to get into the plant. You had people from the international UAW present at that time; did you not?

Mr. KONEC. They were present.

Mr. KENNEDY. And they were aware of the fact that the nonstrikers could not get in to work?

Mr. KONEC. Do you mean if the international representatives were aware of that?

Mr. KENNEDY. Yes.

Mr. KONEC. I imagine they were.

Mr. KENNEDY. Did they take any steps that you know of to open up the picket lines and let the nonstrikers into the plant?

Mr. KONEC. Not that I know of.

Mr. KENNEDY. Who were some of the international organizers who were present during this period?

Mr. KONEC. Well, at various stages there were different ones there. There was Guy Barber, who was there, Jime Fiore, Don Rand was

there at different times, Ray Majerus was there, Harvey Kitzman was there, Emil Mazey.

Mr. KENNEDY. Did Emil Mazey ever take any steps to try to get the picket line opened up?

Mr. KONEC. Not that I know of.

Mr. KENNEDY. Who else was there?

Mr. KONEC. Well, John Ganuca was there. There was one fellow there by the name of Boyce Land. I seen him a few times.

Mr. KENNEDY. Did you ever take any steps yourself to try to get the picket line opened up so that people who wanted to go to work could go to work?

Mr. KONEC. No, sir.

Mr. KENNEDY. You didn't want to let the nonstrikers into the plant; is that right?

Mr. KONEC. Well, I didn't think they should go in.

Mr. KENNEDY. And you had so many pickets out there that it was impossible for them to get in; is that right?

Mr. KONEC. Let me explain this to you. Whether or not I would have been appointed chief picket captain or not, I felt it was my duty to be out there on that picket line, and I imagine everybody else did. We had around 3,000 pickets out there that morning. I was on the picket line in 1934 with my dad, so I felt it was my duty to be out there. I went on strike against Kohler Co. and it was my duty to be there. I imagine everybody else felt the same.

Mr. KENNEDY. Did you see it your duty also to make sure that those who wanted to go to work could not get into the plant and go to work?

Mr. KONEC. I didn't stop anybody from going to work. I just picketed the place.

Mr. KENNEDY. The people under your direction stopped people from coming into work.

Mr. KONEC. I wouldn't know who they would be. They were all pickets. They were all members of local 833.

Mr. KENNEDY. There were some people out there, obviously, non-strikers, who wanted to get into work. You admit that; do you not? (The witness conferred with his counsel.)

Mr. KONEC. Pardon me?

Mr. KENNEDY. There were nonstrikers who wanted to get into work; were there not?

Mr. KONEC. Very few.

Mr. KENNEDY. Well, there were some?

Mr. KONEC. There were some.

Mr. KENNEDY. And it was impossible for them to get into the plant?

Mr. KONEC. No; it wasn't impossible for them to get into the plant.

Mr. KENNEDY. They would have to climb over 15 rows of men to do it.

Mr. KONEC. No; they didn't.

Mr. KENNEDY. How would they get into the plant?

Mr. KONEC. They would just have to come around a little later. On our strike broadcast and on our radio programs, we made it known that Kohler Co. always printed majority, that they had the majority of the people that wanted to go to work. The only way we could prove majority was to ask all our people to be out at certain hours of the morning, and that was the early morning hours of the morning when

the first shift started to work. We would preach that to our people, through the medium of the radio, our strike bulletin, and sometimes we inserted ads in the paper. We wanted to get all of our people out there to show the Kohler Co. that the majority of people were on our side. We were successful in doing that.

The only time these people wanted to go to work was when the majority was on the picket line. If they came around to 7:30 or 8 o'clock, after these fellows were assigned to different shifts, and they were all gone, and maybe only 15 or 25 people at the gates, at 7:30 or 8 o'clock, if they came around with the chief of police or something, I don't think they would have any trouble in getting into the plant. But they seemed to disperse before that time happened. They didn't want to go to work.

Mr. KENNEDY. What time did the shift start?

Mr. KONEC. Normally the day shift at Kohler Co. started at 6 o'clock in the morning.

Mr. KENNEDY. Then if there were some employees that came by, they tried to get in at the beginning of their shift, did they not?

Mr. KONEC. That is correct.

Mr. KENNEDY. And you had 1,800 or 2,000 or 2,500 pickets outside?

Mr. KONEC. That is right.

Mr. KENNEDY. So it was impossible for them to get in?

Mr. KONEC. At that time, no.

Mr. KENNEDY. At 6 o'clock in the morning it was impossible for them to get in?

Mr. KONEC. If they wanted to go through the picket line, the people were marching single file and close together, unless they wanted to push through. They tried and they didn't.

Mr. KENNEDY. Was that the policy of local 833, to keep the non-strikers out of the plant?

Mr. KONEC. We told the men to keep their hands in their pockets, to march single file, keep moving and that was it. We didn't tell them how close to march together or what.

Mr. KENNEDY. As picket captain, you knew they were marching close together, did you not?

Mr. KONEC. Yes.

Mr. KENNEDY. The purpose of that was to keep the nonstrikers out of the plant, was it not?

(The witness conferred with his counsel.)

Mr. KONEC. Yes, that was true at that time.

Senator ERVIN. I am glad you admitted that, because your testimony up to that point reminded me of the man who took the pistol and shot another fellow right through the head and killed him and he said he didn't intend to kill him, but he merely intended to cure a little headache he had.

Mr. KENNEDY. Mr. Konec, did you take part in any of the home demonstrations?

Mr. KONEC. Let me put it to you this way: Actually, I don't believe I took part in them. I was there.

Mr. KENNEDY. These were demonstrations that took place when large numbers of people came out to the homes of those who wanted to continue and were continuing to work at the Kohler plant?

Mr. KONEC. That is right. That is what they call a home demonstration.

Mr. KENNEDY. Approximately how many of those did you go to?

Mr. KONEC. Two.

Mr. KENNEDY. Just two?

Mr. KONEC. Yes.

Mr. KENNEDY. Did you ever call up any of the individuals and tell them that there was going to be a demonstration in front of their homes?

Mr. KONEC. Let me explain that to you. The Kohler Co. has affidavits against me. I have seen them and I have read them. They have an affidavit signed by a fellow named Tank. I forget his first name.

On the day of the strike when I was picketing, this fellow came by, and I imagine some of these people want to be heroes, so they go into the company and cook up a story and sign an affidavit. First of all, I will answer your question. I have never called anybody on the telephone. If I want to say something to somebody, I will tell it to them to their face. I am not afraid to talk to anybody. This Tank signed an affidavit against me and it was brought out in the NLRB. He said I stood on Memorial Drive, the Upper Falls Road, and called him names every day in the Month of June.

I knew right away that wasn't the truth. It couldn't be. I checked with the hospital. I was hospitalized from June 11 to 21, but this guy signed an affidavit that he saw me on Memorial Drive every day.

Mr. KENNEDY. Do you know Robert Herling?

Mr. KONEC. I know him very well.

Mr. KENNEDY. Was he a nonstriker?

Mr. KONEC. Yes.

Mr. KENNEDY. Did you ever call him about the demonstrations in front of his home?

Mr. KONEC. No, sir.

Mr. KENNEDY. You never had any conversations with him?

Mr. KONEC. No, sir.

Mr. KENNEDY. Do you know he has made a statement that you did call him?

Mr. KONEC. No. I read the affidavit.

Mr. KENNEDY. That is not true?

Mr. KONEC. That is not true.

Mr. KENNEDY. You did not call him up?

Mr. KONEC. I did not call him, or anyone else.

Mr. KENNEDY. Did you take part in any of the violence yourself?

Mr. KONEC. No, sir.

Mr. KENNEDY. None of the paint bombings?

Mr. KONEC. No, sir.

Mr. KENNEDY. You did not?

Mr. KONEC. No, sir.

Mr. KENNEDY. Do you know anybody who is responsible for it?

Mr. KONEC. I do not.

Mr. KENNEDY. Did the international have anything to do with your selection as picket captain?

Mr. KONEC. They did not. I selected them on my own basis, and as they left and got—

Mr. KENNEDY. What about your selection personally? Did the international have anything to do with that?

Mr. KONEC. No. I told you that was the local 833 executive board.

Mr. KENNEDY. And the picket captains that served under you, the international had nothing to do with that?

Mr. KONEC. I selected them myself.

Mr. KENNEDY. That is all, Mr. Chairman.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Do you know a Clark Weeden?

Mr. KONEC. Yes, sir.

Senator CURTIS. Was he a nonstriker?

Mr. KONEC. Yes, sir.

Senator CURTIS. Did you have any conversations with him?

Mr. KONEC. Yes, sir.

Senator CURTIS. What did you tell him?

Mr. KONEC. I will tell you. Let me tell you the whole story of this.

Senator CURTIS. If it isn't too long.

Mr. KONEC. Just a minute, sir, you can't get the true picture unless you hear the whole story.

Senator CURTIS. I will be the judge of that. What did you tell him?

Mr. KONEC. I don't remember the date. I was standing on Memorial Drive where I usually stood and watched the nonstrikers go into work. He came out, and I know the way the shifts work. He was coming out earlier than his shift, before his shift time was over. I called him a scab, I will admit that. I said, "How come they are letting you out early?" And he mentioned something, I forget what he said. So I said, "Why don't you go home, you scab?" It is a double-lane highway, and he drives across to the other side of the road, and he comes across, foaming at the mouth, and said "Now you are going to get it." I stood on the edge of the road, and he come back and bumped me, and said, "You are scared to fight."

Let me also explain that the Kohler Co. had a camera mounted on a scaffold in back, from the fence, about 5 or 600 feet from the highway, aimed at our direction. I said, "Look, I am not going to be foolish. I am not going to take a swing at you. I see the camera." He said, "Well, you go ahead and take a swing at me."

I said, "You swing first and see if I hit back." He wouldn't and I wouldn't. Then we stood there and argued. He also signed an affidavit which said I threatened him, which is untrue.

Senator CURTIS. Did you testify about this at the NLRB hearing?

Mr. KONEC. I did.

Senator CURTIS. Did you testify that you said to him "If you don't watch out, your wife and kid will have to do all the farmwork"?

Mr. KONEC. Yes. I told him he was burning the candle on both ends, trying to run a farm and work at the Kohler Co. At that time, I believe he worked in the enamel shop, one of the worst jobs at the Kohler Co.

Senator CURTIS. Isn't it true that on September 7, 1954, that Clark Weeden's home was the scene of one of those home demonstrations?

Mr. KONEC. The only thing I know about Clark Weeden is what I read in the newspaper. I don't know the guy personally.

Senator CURTIS. Well, did you read in the newspaper that there was a demonstration at his home?

Mr. KONEC. Yes, sir.

Senator CURTIS. And was there any vandalism there?

Mr. KONEC. From what I read in the newspaper, there was.

Senator CURTIS. Yes. What instructions did you give people in the picket line about securing the names of the nonstrikers or their automobile numbers as they came through there?

Mr. KONEC. To take their license numbers.

Senator CURTIS. What was that purpose for?

Mr. KONEC. We wanted to know who the nonstriker was going to be. In case we knew anybody that knew this fellow, that we could talk to him and ask him not to go to work at the Kohler Co., or talk to him in any way to try to convince him not to enter the plant.

Senator CURTIS. Tell me again just what persuasion was used to get a nonstriker not to go through the picket line and go to work?

Mr. KONEC. Simply by talking to him.

Senator CURTIS. Nothing else?

Mr. KONEC. Nothing else.

Senator CURTIS. If that talking did not convince him he ought not to go through, he got to go through; is that correct?

Mr. KONEC. The majority of times he got through.

Senator CURTIS. Were you here when the former sheriff testified?

Mr. KONEC. Yes.

Senator CURTIS. You heard him state that he took a number of people up to the line and asked that they be gotten through, and that they did not get through; is that correct?

Mr. KONEC. Yes, that is right.

Senator CURTIS. How do you reconcile your story and his?

Mr. KONEC. Well, pardon me, I thought you were talking about later when people were coming to apply for jobs after we had the injunction. You are talking about the early days of the strike when the so-called mass picketing was going on?

Senator CURTIS. That is right.

Mr. KONEC. Well, no, they didn't get through then.

Senator CURTIS. Well, then, it is not true that all you used was just persuasion, and that if they did not turn back because you had them to, they got to go through the line? They did not get to go through the line, did they?

Mr. KONEC. No, sir.

Senator CURTIS. And some of them got hurt; did they not?

Mr. KONEC. Not that I know of.

(At this point, Senator McNamara entered the hearing room.)

Senator CURTIS. You never read that in the paper either?

Mr. KONEC. Of who getting hurt?

Senator CURTIS. Anybody.

Mr. KONEC. No, sir; I never read it in the paper, not on the picket line.

Senator CURTIS. Do you know a James Sweeney?

Mr. KONEC. I don't know the guy. If he was standing right here, unless somebody told me who he was, I wouldn't know him.

Senator CURTIS. You do not know whether you saw him on the picket line?

Mr. KONEC. I don't know the man at all.

Senator CURTIS. Do you know Harold Curtiss?

Mr. KONEC. Yes; I know him.

Senator CURTIS. Did you see him on the picket line?

Mr. KONEC. Not on the picket line; no.

Senator CURTIS. Where did you see him?

Mr. KONEC. Standing on the west side of High Street.

Senator CURTIS. Standing where?

Mr. KONEC. On the west side of High Street.

Senator CURTIS. Was he a nonstriker?

Mr. KONEC. Yes, sir.

Senator CURTIS. Did you have any talk with him?

Mr. KONEC. Yes, sir.

Senator CURTIS. What did you tell him?

Mr. KONEC. I tried to persuade him to go home and not cross our picket line.

Senator CURTIS. Is it true that in June of 1954 he had a shotgun blast at his home?

Mr. KONEC. Only what I read in the paper, sir.

Senator CURTIS. But you did read that?

Mr. KONEC. Yes, sir.

Senator CURTIS. So it must have happened. You referred to the strike committee. Who made up the strike committee?

Mr. KONEC. The president, the vice president, the recording secretary, the treasurer, six chief stewards, a guide, a sergeant-at-arms, and myself.

Senator CURTIS. Any international representatives?

Mr. KONEC. They were at the meetings, but they weren't considered a member of the strike committee.

Senator CURTIS. But they attended?

Mr. KONEC. They attended.

Senator CURTIS. The strike committee met every day, did it not?

Mr. KONEC. That is right.

Senator CURTIS. What would be discussed?

Mr. KONEC. Any thing in the development of the strike. There were many things discussed.

Senator CURTIS. Were home demonstrations discussed at any time?

Mr. KONEC. Only after they begun.

Senator CURTIS. Only after what?

Mr. KONEC. After they begun. We knew nothing of them until after we heard about them, and then we discussed them.

Senator CURTIS. You discussed them after they happened?

Mr. KONEC. After they had—after the first one had started.

Senator CURTIS. Where would this strike committee meet?

Mr. KONEC. In the UAW office.

Senator CURTIS. Name the international representatives that attended the meetings of the strike committee.

Mr. KONEC. Robert Burkhart attended. At the beginning of the strike, Robert Burkhart was there. Emil Mazey was there. Donald Rand was there. Harvey Kitzman was there. James Fiore would attend, Buy Barber would attend.

There may be more, but I don't remember them right off. They were there off and on. They weren't there every day, but they would be there when they felt like coming up.

Senator CURTIS. This mass picketing was ruled to be illegal by an agency of the State of Wisconsin, was it not?

(The witness conferred with his counsel.)

Mr. KONEC. Well, the way I understand it, I didn't believe the mass picketing was illegal. I am not a lawyer. I don't know the law. I have never had any opportunity to study law. All I know is that everybody was on strike, and they were out there. The only time I heard of WERB, I never knew that agency existed until they gave us a cease and desist order, and at which I think I had to appear, and after that we complied with their orders.

Senator CURTIS. Now, up until you had that order, you, as a picket captain, did not put your instructions in writing, did you?

Mr. KONEC. Yes, some of them.

Senator CURTIS. Some of them. Did you give all of your instructions in writing?

Mr. KONEC. No; no, sir.

Senator CURTIS. Throughout the length of the strike, did you give all of your instructions in writing?

Mr. KONEC. Throughout the length of the strike?

Senator CURTIS. Yes.

Mr. KONEC. No, sir.

Senator CURTIS. What instructions did you not put in writing?

Mr. KONEC. What instructions did I not put in writing?

Senator CURTIS. Yes.

Mr. KONEC. The first order of WERB wasn't put in writing immediately. It was advised verbally to the pickets. After that, when we found out "I never heard about it," so we decided to put it in writing and we put it in writing.

Senator CURTIS. Coming back to this getting the names of the non-strikers, or their automobile numbers, what did you tell the pickets to do in reference to that?

Mr. KONEC. I didn't hear the question. I didn't want to interrupt you.

Senator CURTIS. In regard to getting the names of nonstrikers who came to the picket line, or their automobile numbers, what instructions did you give your men in regard to that?

Mr. KONEC. We just told them that if they seen a person approaching the employment office to look for a job, that they should go up and talk to the fellow, find out who he was. If he was reluctant to talk to them, then they should watch where he parked his car, take his license number, and turn it over to me or anyone on the strike committee. We would check the license number, find out who the person was, find out if anybody on our side knew him, or his minister, where he went to church, or anything like that, so we could talk to him and try to persuade him to stay out of the plant.

Senator CURTIS. If somebody jotted down the name of someone they knew, to whom would they turn that in?

Mr. KONEC. To me—I usually made a few trips around the plant every day—or anyone on the strike committee.

Senator CURTIS. What would you do with it?

Mr. KONEC. I would try to find out if somebody knew the person, who the person was, and then send somebody out to talk to the person, to try to persuade him not to go to the plant.

Senator CURTIS. Where would the names be compiled?

Mr. KONEC. At local 833 office.

Senator CURTIS. And a list was kept there?

Mr. KONEC. That is right.

Senator CURTIS. Have you ever compared that list with the list of the people who, it was reported by the newspapers to have had a disturbance at their home?

KONEC. No, sir; I have never compared that list.

Senator CURTIS. You never have done that?

Mr. KONEC. No.

Senator CURTIS. You said that you attended two home demonstrations?

Mr. KONEC. That is correct.

Senator CURTIS. What was the first one?

Mr. KONEC. Well, let's put it this way: I didn't attend them voluntarily. That was shortly after I was released from the hospital, and I wasn't going out to the picket line. There is a neighborhood tavern—as I told you at the beginning, I am a tavern operator—where I used to tend bar occasionally. I took a walk to that bar, and I was sitting in the bar, which is right next door to where a fellow named Sessler happened to live.

Senator CURTIS. How do you spell it?

Mr. KONEC. S-e-s-s-l-e-r.

I was sitting in the tavern. I got there about a quarter to 2. I was sitting around there; well, we were talking, and we looked outside, it was in the summertime, and a crowd of people gathered outside. I heard about the demonstrations, but I had never been to them.

I went out there, and the people were there, and I knew a lot of people out there, so I talked to them.

Senator CURTIS. How many people were there?

Mr. KONEC. Men, women, and children, all together totaled about 150 to 200 people.

Senator CURTIS. What time of day was this?

Mr. KONEC. This was around a quarter after 3 or 3:30.

Senator CURTIS. In the afternoon?

Mr. KONEC. That is right.

Senator CURTIS. Who was home at this home that they were gathering at?

Mr. KONEC. Who was home?

Senator CURTIS. Yes.

Mr. KONEC. I don't know. I wasn't in the house.

Senator CURTIS. Did you see anybody on the porch or otherwise?

Mr. KONEC. No, sir.

Senator CURTIS. How long did the crowd stay?

Mr. KONEC. Until approximately 4.

Senator CURTIS. And what took place?

Mr. KONEC. Nothing. The people were just walking up and down on the sidewalk.

Senator CURTIS. Anything else?

Mr. KONEC. Yes. He came home and he came in through the back, and somebody seen him and hollered, "You dirty scab," and he run in the house and that was the end of it.

Senator CURTIS. Was there any other talking or noise of any kind?

Mr. KONEC. Just what do you mean?

Senator CURTIS. Other than calling to him and telling him he was a dirty scab. Is that all that was said by anyone?

Mr. KONEC. I don't know what they all hollered. I didn't make a recording of it or anything. I don't remember what they all said.

Senator CURTIS. Did they all go home at once?

Mr. KONEC. No, sir.

Senator CURTIS. Who seemed to be leading it?

Mr. KONEC. There didn't seem to be any leader there, as far as I was concerned.

Senator CURTIS. Did they all stay on the sidewalk?

Mr. KONEC. No, sir.

Senator CURTIS. Where else did they go?

Mr. KONEC. They were on lawns, on people's porches.

Senator CURTIS. On people's porches? Do you mean additional houses other than that one?

Mr. KONEC. Yes; that was a neighborhood there. I know most of the people in the neighborhood, and most of the people there knew the people in the neighborhood, and they were on the porches.

Senator CURTIS. They were on the porches of neighbors?

Mr. KONEC. Not all of them. You said, "Where else was some of them?" and I said, "Some of them were on porches."

Senator CURTIS. They were on lawns? What were they doing on lawns?

Mr. KONEC. Standing there conversing in groups of 2 or 3.

Senator CURTIS. Were any on Sessler's porch?

Mr. KONEC. No, sir.

Senator CURTIS. They did not come close to his house?

Mr. KONEC. No, sir.

Senator CURTIS. What was the purpose of the gathering?

Mr. KONEC. I don't know, sir.

Senator CURTIS. You were there entirely by accident?

Mr. KONEC. Yes, sir. There entirely by accident.

Senator CURTIS. You do not know what the purpose of it was?

Mr. KONEC. No, sir.

Senator CURTIS. Did any of these home demonstrations happen at the home of anybody who was on strike?

Mr. KONEC. No, sir.

Senator CURTIS. Well, now where was the second one you went to?

Mr. KONEC. The second one was the same day.

Senator CURTIS. The same day?

Mr. KONEC. The same day.

Senator CURTIS. What was his name?

Mr. KONEC. Harvey Schmidt.

Senator CURTIS. S-c-h-m-i-d-t?

Mr. KONEC. I think that is right.

Senator CURTIS. What is his address?

Mr. KONEC. Let me explain to you. These fellows both live in the same block, only on opposite sides of the street. So the people were milling back and forth between both of the houses at one time.

Senator CURTIS. About how many people were there?

Mr. KONEC. The same amount. Well, I told you they were in the area of a whole block. There may be 100, 150, 200 people, men, women, and children in the area, in 1 block area. They weren't all in front of one house.

Senator CURTIS. Did you recognize any of these people?

Mr. KONEC. Yes, sir.

Senator CURTIS. Who were they?

Mr. KONEC. Some were my neighbors, some were neighbors that lived in the neighborhood that had nothing to do with the Kohler Co., some were Kohler strikers.

(The witness conferred with his counsel.)

Senator CURTIS. Of the adults, what portion of them would you say were Kohler strikers?

Mr. KONEC. Well, the portion of Kohler strikers, did you say?

Senator CURTIS. Yes.

Mr. KONEC. Less than 50 percent, I would say.

Senator CURTIS. Less than 50 percent of them?

Mr. KONEC. That is right.

Senator CURTIS. Of the adults?

Mr. KONEC. The majority of the people there, I would say, were more women and children than there were men.

Senator CURTIS. Why would that be?

Mr. KONEC. I don't know. Why do people gather when there is an accident outside? It is something going on, and they want to see what is going on.

Senator CURTIS. What was going on?

Mr. KONEC. A home demonstration. That is what you called it.

Senator CURTIS. Put on by whom?

Mr. KONEC. I don't know.

Senator CURTIS. Who does know?

Mr. KONEC. I don't know.

Senator CURTIS. Certainly the nonstrikers would not be putting on demonstrations in front of their own homes, would they?

Mr. KONEC. No, sir.

Senator CURTIS. Then who put them on?

Mr. KONEC. I don't know.

Senator CURTIS. Do you expect us to believe that?

Mr. KONEC. I don't care what you believe. I believe they were spontaneous. I am here to tell the truth, and what you believe is up to you.

Senator CURTIS. I did not ask you whether they were spontaneous or whether they were planned. I asked you who put them on.

Mr. KONEC. I told you I don't know.

Senator CURTIS. You don't know?

Mr. KONEC. I don't know. If I did, I would tell you.

Senator CURTIS. You have no idea whether it was the strikers or non-strikers?

Mr. KONEC. I don't know who put them on.

Senator CURTIS. Do you think it might have been the nonstrikers?

Mr. KONEC. I didn't say that.

Senator CURTIS. I asked you. Do you think it might be?

Mr. KONEC. I don't know that. I have no idea whatsoever. All I know is I didn't have any idea of them going on there, and that is all I care about. If I did know, I would tell you.

Senator CURTIS. Were you at a home demonstration on the south side of Sheboygan?

Mr. KONEC. What we were talking about is considered the south side.

(The witness conferred with his counsel.)

Senator CURTIS. Were you at a man's home by the name of Schoen-born?

Mr. KONEC. I heard the name, but I don't know the gentleman.

Senator CURTIS. Did you give any testimony about that before the NLRB?

Mr. KONEC. Yes, sir.

Senator CURTIS. What did you testify about that?

Mr. KONEC. I said I was in the vicinity.

Senator CURTIS. Were you asked, "Did you tell anybody there what to do?"

Mr. KONEC. No, sir.

Senator CURTIS. You were not asked that question?

Mr. KONEC. I don't remember whether I was asked that question or not, but I didn't tell anybody what to do, no. I told them to keep moving.

Senator CURTIS. What did you mean by that?

Mr. KONEC. There was an officer there going back and forth, and he said it is against the law to congregate and stand around, and I said to the people, "If you don't want to get in trouble, keep moving."

Senator CURTIS. Do you know who put on that demonstration?

Mr. KONEC. No, sir.

Senator CURTIS. Why did you butt into their business and tell them to keep moving so they would stay out of trouble with the officer if you do not know who was to put it on?

Mr. KONEC. I just told them to keep moving so they would stay out of trouble. We were getting into plenty of trouble. Everything that happened was blamed on the local union.

Senator CURTIS. But you have no idea that the local union was putting on these local demonstrations?

Mr. KONEC. No, sir. I don't have any idea who did it.

Senator CURTIS. Do you think the local union did it?

Mr. KONEC. No. They were spontaneous. Nobody did it.

Senator CURTIS. Now, were home demonstrations discussed at your strike committee meetings?

Mr. KONEC. Yes, they were.

Senator CURTIS. Were any of them discussed before they happened?

Mr. KONEC. No, sir.

Senator CURTIS. What would be said about them at the strike meeting or strike committee meetings?

Mr. KONEC. The only thing we knew, it disturbed the nonstriker, and we didn't know, as I told you before. We didn't know how they started, and we didn't care who did it, and we thought it was effective, and we weren't going to try to stop it.

Senator CURTIS. Were they referred to in any strike bulletins you got out?

Mr. KONEC. I believe they were.

Senator CURTIS. What would it say about them?

Mr. KONEC. They were just after the incident happened, and they would give a report of the home demonstration.

Senator CURTIS. Was it referred to in your union radio program?

Mr. KONEC. I believe they were.

Senator CURTIS. What would it say about them?

Mr. KONEC. About the same thing.

Senator CURTIS. Well, now, were you down at the dock at the time this clay boat incident happened?

Mr. KONEC. We were, prior to the incident.

Senator CURTIS. At the time it happened?

Mr. KONEC. I was down in the vicinity on Pennsylvania Avenue, yes.

Senator CURTIS. Had that been discussed, the arrival of that boat, at your strike committee meeting?

Mr. KONEC. Oh, yes, that was discussed.

Senator CURTIS. What was said about it?

Mr. KONEC. Well, we knew there was a boat coming.

Senator CURTIS. How did you find out that?

Mr. KONEC. It was on the radio, and it was in the paper, and it was all over, and several weeks before the boat arrived.

Senator CURTIS. How did you get that information several weeks before it arrived?

Mr. KONEC. In the paper, and on the radio. There was a clay boat coming in for the Kohler Co.

Senator CURTIS. All right; continue on with your account of what was discussed.

Mr. KONEC. At the meeting we knew the boat was coming, and that is all we talked about. We knew it was coming, and we were wondering who was going to unload it, because at one time I think we talked to this Mr. McKenn, and the majority of the drivers belong to the teamsters local, and he promised that he was going to fulfill all of his obligations and we knew of nobody else in town that had been in touch with the boat.

Senator CURTIS. Did you discuss about picketing?

Mr. KONEC. No, sir; we talked about it, but we decided we would have no picket line.

Senator CURTIS. You would have no picket line?

Mr. KONEC. No, sir.

Senator CURTIS. Was there a picket line there?

Mr. KONEC. Not that I seen.

Senator CURTIS. There was no picket line at the time of the arrival of the clay boat?

Mr. KONEC. At the arrival of the clay boat?

Senator CURTIS. At that time?

Mr. KONEC. The clay boat arrived a few days before what they called Black Tuesday or Monday, or whatever it was. The clay boat arrived several days ahead of that.

There were a few of us down at the dock when the boat was coming in, and there were a few motor boats down there, and I got into a motorboat with somebody and if you call that going out to get the clay boat, certainly the clay boat, if we had assigned a picket line, I was picketing the clay boat out in the harbor.

Senator CURTIS. You were in a boat out there?

Mr. KONEC. That is right.

Senator CURTIS. Circling the clay boat?

Mr. KONEC. Circling the clay boat.

Senator CURTIS. Was any communication or word sent to the clay boat?

Mr. KONEC. What? You mean we were going to circle it?

Senator CURTIS. No; I mean while you were circling it.

Mr. KONEC. Not that I know of.

Senator CURTIS. No one said anything to them?

Mr. KONEC. No.

Senator CURTIS. Not on a loud speaker or otherwise?

Mr. KONEC. Not that I know of.

Senator CURTIS. You just merely circled the clay boat?

Mr. KONEC. In the boat I was in, that is all we did.

Senator CURTIS. How many other boats did that?

Mr. KONEC. I think there were two other boats there.

Senator CURTIS. Did either of those other two boats say anything to the clay boat?

Mr. KONEC. That I wouldn't know. We had a fairly large circle around there, and the motor was going, and if anybody shouted anything to members on the clay boat, I wouldn't be able to hear it.

Senator CURTIS. How far out in the harbor did you meet them with these three boats?

Mr. KONEC. When I got out there, they were just entering between the two piers.

Senator CURTIS. How far would that be from where they would usually dock?

Mr. KONEC. About a mile.

Senator CURTIS. You met them about a mile out there, and what was the purpose of going out?

Mr. KONEC. Advertising that the sailors on that boat were carrying clay for a strike plant.

Senator CURTIS. How did you get that word to them?

Mr. KONEC. The message that I had was either in Scandinavian or some other foreign language, and I don't even know what it said, but I imagine that is what it had on it.

Senator CURTIS. How did you deliver that to the sailors?

Mr. KONEC. How did I deliver it?

Senator CURTIS. Yes.

Mr. KONEC. It was a big sign, and I just held it up while the other guy maneuvered the boat.

Senator CURTIS. So you held up a sign?

Mr. KONEC. That is right.

Senator CURTIS. Was there a sign on each boat?

Mr. KONEC. I believe there was.

Senator CURTIS. And it was in Scandinavian so you don't know what it said?

Mr. KONEC. Mine was in Scandinavian, and I don't know what the others were.

Senator CURTIS. About what time did you arrive at the dock at Sheboygan?

Mr. KONEC. The clay boat, you mean?

Senator CURTIS. Yes.

Mr. KONEC. It was on a Saturday morning, some time, and I don't remember exactly what time it was. I think it was Saturday, Friday or Saturday.

Senator CURTIS. And there was no picket line around there?

Mr. KONEC. Where, at the boat when it landed? There were a lot of people, but there was no picket line.

Senator CURTIS. A lot of people, how many?

Mr. KONEC. What date?

Senator CURTIS. When the boat docked.

Mr. KONEC. I couldn't even judge. They were split out. It was quite a long area, and there were people there, and I wouldn't even judge how many were there that day.

Senator CURTIS. More than a hundred?

Mr. KONEC. I would say there were more than a hundred; yes.

Senator CURTIS. How long did the boat stay in that position?

Mr. KONEC. What position, sir?

Senator CURTIS. In the dock there.

Mr. KONEC. Well, let me see, I don't know if it came in on a Friday or Saturday, but possibly 5 or 6 days, and maybe 4 or 5 or 6 days.

Senator CURTIS. And then it left?

Mr. KONEC. That is right.

Senator CURTIS. Was there any picketing any time while it was there?

Mr. KONEC. Not that I know of. I didn't instruct anybody to picket that boat.

Senator CURTIS. And was there any crowd gathered?

Mr. KONEC. There was a crowd gathered there; yes.

Senator CURTIS. Did you recognize any of them?

Mr. KONEC. Yes.

Senator CURTIS. Who were they?

Mr. KONEC. Well, the week on July 5, it is normally vacation week when all of the plants shut down in Sheboygan. There were a lot of people there, and I don't know all of them, and I knew some of them. There was a large crowd, a very large crowd there, on that day.

Senator CURTIS. What portion of them were employees of Kohler?

Mr. KONEC. Strikers of Kohler or employees of Kohler Co.?

Senator CURTIS. Both.

Mr. KONEC. I wouldn't attempt to guess. I didn't see everybody who was there, and I don't know everybody who was there.

Senator CURTIS. Now, Mr. Konec, there is one thing about your testimony that I can't reconcile, and that is what happened in this mass picket line. Both versions cannot be true.

The sheriff—and I don't know whether he is still sheriff or not—testified that even when he, as an officer of the law brought men up to get them through the picket line, that he would have to go back, and that they couldn't get them through.

Now, your testimony is that all you used was just verbal persuasion, and you asked people not to go through, but if they didn't heed your words, they could go on through.

Now, you still say that your version is correct?

Mr. KONEC. Mr. Senator, I thought I straightened you out on that. When you asked me that question, I answered you, and I thought that was after the WERB decision, and that is what we were doing. I admitted to you when the sheriff came to the picket line that nobody went in, and if you will go back through the testimony, you will find that I said that, and I tried to straighten you out on that.

Senator CURTIS. Straighten me out now, and I am talking about in the early days of the strike. And then you did use means besides just asking people not to go through.

Mr. KONEC. We used no means. The pickets walked in single file, and they couldn't get through, and it wasn't my fault.

Senator CURTIS. Who couldn't get through?

Mr. KONEC. The nonstrikers could not get through.

Senator CURTIS. Then you did use means, and you blocked them, didn't you, if they couldn't get through?

Mr. KONEC. I believe everybody has a perfect right to show they are on strike and if they were walking, they were walking that close together, and they couldn't get through, and it is no fault of mine.

Senator CURTIS. Then you did block them from entering, isn't that correct?

Mr. KONEC. I didn't block any. It is a citizen's right to walk on the sidewalk.

Senator CURTIS. I am not asking about anybody's rights.

Mr. KONEC. Why do you say I blocked them? I didn't block anybody.

Senator CURTIS. I am not speaking of you.

Mr. KONEC. I am not standing in front of anybody.

Senator CURTIS. I am not speaking of you as an individual, but whoever was doing the picketing out there and you are a captain of the pickets when the strike began, and until you were ordered to cease and desist with your mass picketing—

Mr. KONEC. That was complied with.

Senator CURTIS. But prior to that—

Mr. KONEC. Prior to that—

Senator CURTIS. You did so conduct that picket line that people couldn't get through, isn't that correct?

Mr. KONEC. You just ask everybody to come out who was on strike and I think it is everybody's legal right to go out on strike and to walk in a picket line, and if you have that many pickets there that walk back to back, or shoulder to shoulder, that nobody else could get through, I didn't think that I violated the law. I am not a lawyer.

Senator CURTIS. I am not asking what you thought. I am asking you, isn't it true that you so conducted that picket line that no one could get through?

Mr. KONEC. I just told them to march in single file, and they did that, and they were marching in single file, and we had so many of them out there, I admit they couldn't get through. But it is no fault of ours or the pickets, and they had a legal right to be there.

Senator CURTIS. Then you did so conduct the picket line that they couldn't get through. That is true, isn't it?

Mr. KONEC. I just conducted a picket line, and I told them to march in single file, and that is exactly what they did, and if they couldn't get through from there, it is not my fault.

Senator CURTIS. But you did conduct it so they couldn't get through, is that correct?

Mr. KONEC. I don't see what you are driving at, Senator. I am telling you—

Senator CURTIS. I want to know "yes" or "no", did you conduct a picket line that wouldn't let somebody through?

Mr. KONEC. No, I didn't do it. I didn't do it knowingly, that nobody was going to get through, and like I told you, if they wanted to get through and if they came back a little later, we were showing solidarity and strength on the picket line, and we had more people on strike than the Kohler Co. had that wanted to go to work, and we had them all out there to show our strength. And when our strike was on

there there was such a large number of people marching single file back and forth that they could not get through at that time in the morning.

But if they came back later, I don't think that they would have encountered any difficulty in getting through.

Senator CURTIS. When your picket line was in operation, it was so operated no one——

Mr. KONEC. Mine was in operation 24 hours a day, sir.

Senator CURTIS. But when it was in operation at full strength, it was so conducted no one could get through, is that correct?

Mr. KONEC. It was not conducted that way. It was not planned that way, and nobody could get through, and we were showing strength.

Senator CURTIS. This whole thing was an accident, and I presume the finances of it to the tune of \$10 million was an accident, too.

But it is not true, then, as you earlier stated, that the only bar to somebody going to work was a request that they not go to work?

Mr. KONEC. I never said that.

Senator CURTIS. Well, I will just rely on the record. I won't take the committee's time.

That is all for the moment, Mr. Chairman.

Senator MUNDT. Mr. Konec, I think that you testified that you were captain of the picket line, and as I understood your testimony, that meant you were captain of the captains, and you were sort of the boss captain of the picket line.

Mr. KONEC. I was the chief captain; that is true.

Senator MUNDT. So that the establishment of the picket line, and whatever instructions were given to the men in the picket line, came from you?

Mr. KONEC. From me and the strike committee, and we met in the morning.

Senator MUNDT. The strike committee would probably determine it and you would relay it to the strikers?

Mr. KONEC. That is correct.

Senator MUNDT. When they strike was at its peak, and prior to the determination of the law that it was illegal, and it was operated as a mass picket line, you instructed the pickets to walk, I think you said, close together, or did they just happen to walk close together?

Mr. KONEC. I tell you, sir, there were so many pickets out there, in order for them to walk and keep single file, they had to be close together.

Senator MUNDT. Did you see pictures that were shown of the picket line?

Mr. KONEC. I have seen a number of pictures that were shown.

Senator MUNDT. In the committee room?

Mr. KONEC. Not in the committee room.

Senator MUNDT. I think after you see them you will want to correct one part of your testimony, because one argument a fellow never can win is an argument with a picture.

Mr. KONEC. That is correct.

Senator MUNDT. The picture clearly shows that this was not single file, that there were two single file lines, each walking in opposite directions.

Mr. KONEC. That is correct.

Senator MUNDT. So it was a double file, and you testify under oath it was a single file, and I wanted you to get a chance to see that the picture showed it was a double file.

Mr. KONEC. I should have said it was single file in one direction and there were two lines.

Senator MUNDT. One moving one way, and one the other?

Mr. KONEC. That is correct.

Senator MUNDT. Who gave them instructions to walk in different directions?

Mr. KONEC. Who gave them the instructions?

Senator MUNDT. Yes.

Mr. KONEC. I did. I told them to form a circle and walk the picket line.

Senator MUNDT. You told them one single file to walk in one direction, and the other single file to move in the other direction?

Mr. KONEC. That is right. Every once in a while we would reverse them again, reverse them again.

Senator MUNDT. I think you admitted to Senator Curtis, and I think you straightened out the record, and I agree with you, you did straighten it out earlier but he didn't catch it, that during the time when the mass pickets were in operations, during the time when one single file was walking east and the other one west, or north and south, as the case might have been, it was impossible at that time for anybody to get through the picket line, who might want to go to work.

Mr. KONEC. Without bumping anybody, it was impossible.

Senator MUNDT. The picture also showed that some people tried to get through, and they did bump into people, but they got bumped back so they couldn't get in, and you would not deny that?

Mr. KONEC. That is correct.

Senator MUNDT. You would not deny that some people tried to get through, and ran into interference, and abandoned ship on the idea?

Mr. KONEC. That is right. If that is their version of violence, if the Kohler Co. brought all of their pictures along, and if I would see them, or if you gentlemen when you investigate them and look at those pictures, you will see that they are policemen their laughing and pickets laughing and it seems like anything but violence to me.

Senator MUNDT. I wouldn't deny anybody was laughing but it also shows some pickets who were not laughing who were pretty grim, and who were shoving and the pictures show people falling down and being stepped on, and a melee, and I think that perhaps when you have a jostling crowd—

Mr. KONEC. There would have been no one laughing if there was violence, and I don't think I would have been very happy if there was violence, and I was on the picket line in 1934 when my dad was on strike, and I went out there that evening when they had that riot out there, and I didn't see anything of the riot. But I will tell you one thing.

I had a scar from it and maybe that is because I could run, but when the Kohler guards were standing down where you turn over the Lower Falls Road, and we were just walking down the highway, on the main highway, and somebody fired shotgun slugs, a fellow with

me got 11 pellets in the neck and I got one in the hand, but it was not even a skin wound.

But I was hit with a shotgun pellet, and I went home, and I don't argue with a gun.

Senator MUNDT. You are not talking about this strike, and you are talking about some other strike?

Mr. KONEC. In the 1934 strike.

Senator MUNDT. I have no first-hand information from anybody on that strike, so that I am talking about the strike that occurred within the last few years.

I am a little curious about your answers to all of this home demonstrations, and it seems that these things sprang up so accidentally and everything went along so strangely, that I would like to ask you a couple of questions about that.

You did attend three of them, you said?

Mr. KONEC. I attended 2 of them, on 2 different dates.

Senator MUNDT. I think a little later you mentioned that you attended another?

Mr. KONEC. Senator, let me tell you, that on the first day——

Senator MUNDT. You attended two the first day?

Mr. KONEC. I attended more than two.

Senator MUNDT. More than two?

Mr. KONEC. Yes, and like I told you, I explained to you earlier, I was in this tavern, and I went out to the street.

Senator MUNDT. I understand that picture.

Mr. KONEC. There were 2 women and 2 children, and they said they were going by Schoenborn's house, and they had no car, and I had my car there, and they said, "Let us take a ride over there, and see what is going on," and I said "O. K."

On the way over there, I had to cross a street, and I believe he lived on Seventh Street, and I am not positive, but I ran into a Kohler Co. car, driven by Mr. Desmond. He was parked on the intersection so I could not cross the street, I put my head out of the window and I told him to back his car out and leave, and I asked if he thought he was in the village of Kohler and he could block the streets in Sheboygan, and he said something to me, and then I went on, and we stopped, and I believe it was some place, and I don't know for sure who lived there, but these women seemed to know where it was.

Senator MUNDT. You say you bumped into his car. Are you talking figuratively or literally?

Mr. KONEC. What is that?

Senator MUNDT. You said you bumped into his car?

Mr. KONEC. I did not. I shouted out of my car into his. I shouted so that he could hear it.

Senator MUNDT. You did not bump into his car?

Mr. KONEC. No; there was no accident there.

Senator MUNDT. You attended 2 demonstrations that day, 1 on each side of the street, is that right?

Mr. KONEC. No, I told you I went to Schoenborn's house the same day, or maybe it was the same day and maybe it was not, and there were two different days, demonstrations.

Senator MUNDT. Regardless of the day, you attended home demonstrations at three different homes?

Mr. KONEC. On 2 days. That I am positive of.

Senator MUNDT. At how many homes?

Mr. KONEC. Maybe 5 or 6 altogether, in the 2-day period.

Senator MUNDT. Six homes?

Mr. KONEC. Probably.

Senator MUNDT. These were all between 3 and 4 o'clock in the afternoon?

Mr. KONEC. Between 3 and 4:30, I would say.

Senator MUNDT. In the afternoon?

Mr. KONEC. Yes, sir.

Senator MUNDT. Did you see any strikers at any of these demonstrations?

Mr. KONEC. Yes, sir.

Senator MUNDT. Did you see any nonstrikers participating in them?

Mr. KONEC. No, sir.

Senator MUNDT. Would it be a safe deduction to make, therefore, that the strikers were conducting these demonstrations rather than the nonstrikers?

Mr. KONEC. There were people there from all walks of life, I would say.

Senator MUNDT. Always wherever you have a crowd, you will have some hangers-on, there is no question about that, but we are talking about those who were conducting it, and you say you saw strikers, and you did not see nonstrikers, and it would seem to me to be a safe conclusion that whoever instigated it or whoever gathered there spontaneously, with the strikers rather than the nonstrikers?

Mr. KONEC. I would not say that.

Senator MUNDT. How come you did not see any nonstrikers?

Mr. KONEC. Well, I don't know. I have seen strikers and that does not mean that they instigated it?

Senator MUNDT. But you did not see any nonstrikers?

Mr. KONEC. It could have been people from other plants, because there were a lot of them there. We have a lot of union plants in town, and maybe they started it, if their neighbor was a scab or something like that, and I don't know who started it and I can't put the blame on anybody.

Senator MUNDT. Is your testimony that it was started by union members from other plants?

Mr. KONEC. I don't say that they started it either. I say it was spontaneous, that is all I can say.

Senator MUNDT. You did see strikers there?

(At this point the witness consulted with counsel.)

Senator MUNDT. From the Kohler plant?

I doubt if that is a legal question but if your lawyer wants to coach you—

Mr. RAUH. I will tell you exactly what it was, Mr. Mundt. I said there was a confusion here on the word "nonstriker," and that is a legal question. You have been using the word "nonstriker" to mean everybody there and this witness not understanding the word "nonstriker" has not given the answer that would have been correct in this situation.

Most of the people there were neither strikers nor nonstrikers, and they were citizens in Sheboygan who don't like scabs, and I was trying to explain that by your clever use of the word "nonstriker," you were confusing him, and I consider that a legal question.

Senator MUNDT. How did you define my use of the word "nonstriker" to him then?

Mr. RAUH. How did I define it? I explained that the word "nonstriker" was ambiguous, and it could either mean people who were working for Kohler, or it could mean anybody who was not striking.

Senator CURTIS. Would you yield there? Did you see any of those demonstrations?

Mr. RAUH. Did I?

Senator CURTIS. Yes.

Mr. RAUH. No, but I spent the last week talking to people who did, and so I am very familiar with them, Senator Curtis.

Senator MUNDT. I don't want to confuse your witness with a simple little word like "nonstriker." When I use the word, I meant to be a nonstriker, a fellow who is an employee of Kohler, and did not go on strike. I was not talking about the ordinary citizen.

Mr. KONEC. That is the way I expected it to be.

Senator MUNDT. That is the definition?

Mr. KONEC. Yes, sir.

Senator MUNDT. So you don't want to change your answers now that you know my definition?

Mr. KONEC. I said there were people from other plants.

Senator MUNDT. You and I don't consider them nonstrikers in the instant case. We are talking about nonstriker, as a fellow who has a job at Kohler, and who did not join the strike, and who wanted to go back to work.

Mr. KONEC. That is right.

Senator MUNDT. You did not see any of those at the plant?

Mr. KONEC. No.

Senator MUNDT. At the homes?

Mr. KONEC. No.

Senator MUNDT. So I think that there was no confusion in your mind, or in mine, and I am glad that your counsel has a confusion he raised from his mind.

(At this point the following members of the committee were present: Senators McClellan, Ervin, McNamara, Mundt, Curtis and Goldwater.)

The CHAIRMAN. Are there any further questions?

Senator Goldwater.

Senator GOLDWATER. Mr. Konec, do you know John Gunaca?

Mr. KONEC. I know who he is; yes, sir.

Senator GOLDWATER. Did he attend your strike meetings?

Mr. KONEC. On occasions he did; yes, sir.

Senator GOLDWATER. Did you know William Vinson?

Mr. KONEC. Yes, sir.

Senator GOLDWATER. Did he attend the strike meetings?

Mr. KONEC. On occasions.

Senator GOLDWATER. Were both of these men members of the local?

Mr. KONEC. Local 833?

Senator GOLDWATER. Yes.

Mr. KONEC. No, sir.

Senator GOLDWATER. Where did they come from?

Mr. KONEC. I believe they both came from somewhere in Michigan. They were international representatives.

Senator GOLDWATER. Both of them were international representatives?

Mr. KONEC. That is what I believe.

Senator GOLDWATER. Do you know how they were paid?

Mr. KONEC. No, sir.

Senator GOLDWATER. But the local didn't pay them?

Mr. KONEC. I wouldn't know, sir. Like I told you, I was on the strike committee. I had a voice but no vote. When the finances were made out, they were made out strictly by the executive board.

Senator GOLDWATER. Both Gunaca and Vinson were international representatives?

Mr. KONEC. As far as I know; yes, sir.

Senator MUNDT. On that point, will you yield for a question?

Senator GOLDWATER. Yes.

Senator MUNDT. I meant to ask you this question, purely for information. I wanted to know in your position as captain of captains, was this a labor of love or did you get paid?

Mr. KONEC. No, sir. I received the same strike assistance as anybody else.

Senator MUNDT. You got no special payment?

Mr. KONEC. No, sir; no special payment.

Senator GOLDWATER. Before we get too far away from international representatives, because we have talked quite a bit about them, and will in the future talk about them, I want to read a few short paragraphs from the constitution of the international union, UAW-CIO, article XIV: International Representatives:

SECTION 1. International representatives' commissions must be approved and signed by the international president and shall be countersigned by the international secretary-treasurer and be subject to the approval of the international executive board.

SEC. 2. International representatives shall work under the jurisdiction of the international president subject to the approval of the international executive board and under the direct supervision of the international executive board member of the region to which he is assigned, unless otherwise commissioned.

SEC. 3. No person can be appointed an international representative unless he is a member in continuous good standing of the international union for a period of 1 year.

SEC. 4. Appointed international representatives may be removed by the international president subject to the approval of the international executive board.

SEC. 5. An international representative shall not, while holding such position, be eligible as a candidate for, or hold, any elective office or position in the local union, but an officer of a local union may be appointed to act as an international representative on a part-time basis for parts of the day, or for full days not to exceed 90 in any calendar year. An international representative shall be eligible as a candidate for an elective office in the international union or in the Congress of Industrial Organizations or a subordinate body of the Congress of Industrial Organizations or for a delegate to the international convention or to conventions of the Congress of Industrial Organizations.

Mr. Konec, were international representatives in attendance at each of your meetings of the strike committee?

Mr. KONEC. Were they always there?

Senator GOLDWATER. Was there a representative of the international representatives at all of your meetings?

Mr. KONEC. No, sir.

Senator GOLDWATER. Were they there at most of the meetings?

Mr. KONEC. At the beginning they were there at most of the meetings. After a while in the strike, they were there just off and on. They weren't there all the time.

Senator GOLDWATER. Were they there at the first meeting?

Mr. KONEC. Yes, sir.

Senator GOLDWATER. I believe you said, but I am not certain, and I will put this to you again, that you said you had a voice on the committee but no vote?

Mr. KONEC. That is correct.

Senator GOLDWATER. Did the international representatives have a vote?

Mr. KONEC. No, sir.

Senator GOLDWATER. Who had the vote on the strike committee?

Mr. KONEC. Just the executive board.

Senator GOLDWATER. Just the members of the executive board?

Mr. KONEC. That is right, of local 833.

Senator GOLDWATER. They were automatically members of the strike committee?

Mr. KONEC. That is right.

Senator GOLDWATER. Were you present at the first meeting?

Mr. KONEC. Yes, sir.

Senator GOLDWATER. Did the international executives offer advice as to the conduct of the strike?

Mr. KONEC. Well, we had what you call a general discussion on the strike. There were things brought out here, and I imagine most of that morning was spent on the solidarity of the strike. When we took the strike vote, it was brought out here that we only had a small percentage of members voting. There was a reason for that that wasn't explained to this committee. It was a secret ballot vote. Each member had to show his union card and he had to be in good standing before he got a ballot to vote.

The majority of the people, I would say, that were in the armory that afternoon didn't want to waste time. They wanted to go home. So they walked out of side doors and all over and they did not vote. So when the final vote was counted, it seemed like there was a very small membership. I didn't know how the people felt. I don't believe anybody else did. But when we went out there on April 5, and we seen all those people on the picket line, we thought right then and there that we had the majority—we knew we had a majority and a great majority. I can read it to you out of the first strike vote that was published. If you care to hear it, I will read it to you.

Senator GOLDWATER. I think that that has been amply covered. People walked out of the meeting. We didn't discuss that or argue that. The fact that you had a minority has not as yet entered into this thing as far as I am concerned.

I wanted to get on with this strike committee. What control did this committee actually have over the strike?

Mr. KONEC. I didn't hear the question.

Senator GOLDWATER. What control did this committee actually have over the strike?

Mr. KONEC. The committee, I believe, had complete control over the strike.

Senator GOLDWATER. So that had you wanted to refrain from mass picketing in which you were in violation of a Wisconsin law, the strike committee could have prevented that, is that correct?

Mr. KONEC. That is correct, if we knew we were in violation. I didn't know we were in violation.

Senator GOLDWATER. I didn't accuse you of knowing you were in violation. You exercised control over it to quite a considerable extent, though, because on May 7 and 8, and I believe the 9th, picketing was abandoned, mass picketing was abandoned. Am I correct?

Mr. KONEC. Yes, sir.

Senator GOLDWATER. At whose order was that abandoned?

Mr. KONEC. The strike committee.

Senator GOLDWATER. But, again, on May 10th, it was resumed; am I correct?

Mr. KONEC. Yes, sir.

Senator GOLDWATER. And on whose orders?

Mr. KONEC. There were no orders. We didn't believe that we were in violation in the first place.

Senator GOLDWATER. No——

Mr. KONEC. Just a minute. The Kohler Co. said they would not bargain——

Senator GOLDWATER. Wait a moment. They were off strike or off the picket line, off of mass picketing on May 7, 8, and 9, if my memory is correct, and they went back on mass picketing on May 10.

Mr. KONEC. Right.

Senator GOLDWATER. Did the strike committee order that?

Mr. KONEC. No, sir. Not at that time.

Senator GOLDWATER. When did it order it?

Mr. KONEC. If the Senator will please let me explain, I will explain the whole thing to you.

Senator GOLDWATER. I am trying to get at this point. I don't think it takes a long explanation.

(The witness conferred with his counsel.)

Mr. KONEC. What was the question again, sir?

Senator GOLDWATER. Who ordered the mass picketing to resume on May 10?

Mr. KONEC. I believe it was understood that when we said we were going into bargaining, that if the bargaining would continue, we would continue, we would continue to have an opening in the line. The minute bargaining dropped off, the line was to go back the way it was.

Senator GOLDWATER. So under that understanding, the strike committee did order the resumption of mass picketing on May 10?

(The witness conferred with his counsel.)

Mr. KONEC. May I tell you the story, sir?

Senator GOLDWATER. You just told me the story.

Mr. KONEC. Not the complete story, sir.

Senator GOLDWATER. I don't know how much more complete explanation you have to make, other than you had an understanding when the mass picketing was called off on the 7th, that if you were unable to get the company to negotiate over the weekend, and we understand perfectly that they refused to negotiate, that the strike was to resume on May 10.

I don't know what more explanation there is of that. I understand that. I am saying to you, or I am asking you, if you want to correct it, am I not correct in assuming that by virtue of the fact that you ordered a secession of mass picketing for May 7, and with the tacit understanding that if you weren't able to bargain, you would resume on May 10, that the strike committee in effect ordered the mass picketing to resume on May 10.

(The witness conferred with his counsel.)

Mr. RAUH. The witness has asked for a chance to explain. He has asked me. I am being very careful in view of Senator Curtis' and Senator Goldwater's accusation. What the witness has asked me is "May I have a chance of explaining my answer."

I will have to appeal to the chairman—

Senator CURTIS. What have I accused you of?

Mr. RAUH. Of coaching the witness, either you or Senator Goldwater.

I will simply report what the witness said to me and appeal to the chairman in all fairness. The witness has asked may he give his answer in his own words.

Mr. Chairman, I will leave it entirely to you.

Senator CURTIS. Mr. Chairman, I would like to have the record searched. I have not accused him of coaching the witness.

Senator GOLDWATER. In order to clear it up and to clear the record up, I have accused the counsel of coaching the witness. If he doesn't stop it, I will bring it up again.

If the witness considers he has a more adequate answer, but can keep the answer down in length, I will be happy to hear it. Go ahead.

Mr. KONEC. There were WERB hearings going on at the time, and I don't know how this went about behind the scenes, but the Kohler Co. always said they would not bargain under duress, that they still insisted that the majority of the people would go to work. They said that the only way they would bargain is if the lines were opened, that anybody could go into the plant or out of the plant any time they wanted to. So we had a meeting. We wanted to get this contract settled.

We believed we were legal in the first place. But if that is what they wanted, that is what we gave to them.

I believe that was a concession. We let anybody go in to work that wanted to, and after that we resumed our normal picketing.

Senator GOLDWATER. That is the 7th, 8th, and 9th?

Mr. KONEC. That is correct.

Senator GOLDWATER. You didn't agree with the Wisconsin board findings, is that correct?

Mr. KONEC. There was no findings at that time yet. The hearing was broke off so that the company and the union would have a chance to bargain.

Senator GOLDWATER. Is that your explanation?

Mr. KONEC. That is my explanation.

Senator GOLDWATER. That is exactly what I understood it to be, that it was the understanding that if negotiations had not been satisfactory or entered into, mass picketing would resume by May 10.

I think that pretty well establishes the fact of your control, I say the committee's control, over this strike, and all aspects of it.

Mr. KONEC. That is right, Mr. Senator. But I will also tell you this, that if the negotiations were successful like you have said, there would have been no picketing line there May 10.

Senator GOLDWATER. I think any reasonable person would assume that. That is the purpose of striking, to hurry up negotiations.

Mr. Chairman, I think in view of this discussion, and the fact that it has been brought out clearly that the strike committee had complete control over this, that it might be well just to read a sentence from the NLRB International Report in this case on line 45 of page 70. It says:

It is concluded and found on the entire evidence that respondent had sufficient cause for discharging Grasskamp, Bauer, Kohlhausen, Kalupa, Breirather, Oskey, Gordon Majerus, Raymond Majerus, Gross, Nitsche, Nack, Prepster, and Konel, because of their direction and control of the strike from April 5 through May 28.

I have one more question, Mr. Konec. Was there a strike manual issued in connection with this strike?

Mr. KONEC. A strike manual? Will you explain that, please? I don't know what you mean exactly.

Senator GOLDWATER. A manual that would contain instructions on how to picket, et cetera.

Mr. KONEC. No.

Senator GOLDWATER. Did you ever see one?

Mr. KONEC. A strike manual issued on how to picket, alone?

Senator GOLDWATER. Not how to picket alone. Covering instructions for the whole strike.

Mr. KONEC. I don't believe—if I have seen it, I don't remember it, sir.

Senator GOLDWATER. Do you have any knowledge of it? Did you hear of such a manual being printed?

Mr. KONEC. It doesn't come to my mind now that I have ever seen one.

Senator GOLDWATER. Did you ever hear of one?

Mr. KONEC. No, sir.

Senator GOLDWATER. That is all, Mr. Chairman.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. Were you present at the meeting in the plant when the strike vote was originally taken, not by the strike committee but by the members, the workers?

Mr. KONEC. Yes, sir.

Senator MUNDT. That was held in the afternoon, I take it?

Mr. KONEC. Well, there were so many meetings in such a short space. I will agree with you, that it could have been held in the afternoon or evening.

Senator MUNDT. You described the situation. You said they examined the badges of the men to be sure they were eligible to belong to the union.

Mr. KONEC. Union cards, sir.

Senator MUNDT. Union cards. So the voters had to all be members of the union.

Mr. KONEC. That is correct.

Senator MUNDT. And arguments were advanced at the meeting, I presume, by those in favor of the strike as to why they should strike.

Mr. KONEC. They were given exactly what went on in negotiations, how far the bargaining committee got, and they got no place. They were asked to vote whether they wanted to go on strike or not.

Senator MUNDT. How many members attended that meeting? You must have an actual count because you examined the cards.

Mr. KONEC. No; we don't have an actual count, sir. I told you that so many of them left there without voting.

Senator MUNDT. How many came in? How many were there originally?

Mr. KONEC. We didn't count them as they came in.

Senator MUNDT. How many union members did you have at that time?

Mr. KONEC. I wouldn't know exactly, but it was between twenty-five and twenty-seven hundred.

Senator MUNDT. Let's say 2,600. Is that a fair compromise?

Mr. KONEC. Your guess is as good as mine.

Senator MUNDT. Couldn't be over a hundred wrong either way, could there? Out of the total employment of how many on the payroll?

Mr. KONEC. I wouldn't know that exactly.

Senator MUNDT. We heard the figure of 3,380 batted around here. Is that reasonably correct?

Mr. KONEC. It could be somewhere around there, within a hundred or so.

Senator MUNDT. Would you give it to us, Mr. Rauh? Do you know?

Mr. RAUH. I think it is about 3,300, Senator Mundt.

Senator MUNDT. It seems to me that is what it was. And there were 2,600 members of the union. Of the 2,600 you wouldn't know, even roughly, how many attended the meeting?

Mr. KONEC. I would say about 2,500 of them were there. That is the guess that was in the newspapers.

Senator MUNDT. And before the vote was taken, how many went home?

Mr. KONEC. Before the vote was taken? Well, they all stayed there until after the meeting. That is when the vote was taken. I don't know exactly how many went home.

Senator MUNDT. How many voted?

Mr. KONEC. That I don't know for sure myself either. But I know that—

Senator MUNDT. Somebody must know how many voted.

Mr. KONEC. Sure. They had an election committee there.

Senator MUNDT. You don't know how many voted?

Mr. KONEC. I have heard that there were about 1,100 or 1,200 votes.

Senator MUNDT. Well, we will compromise again; 1,150.

Mr. KONEC. What?

Senator MUNDT. Mr. Curtis says 1,254 voted.

Mr. KONEC. That could be correct.

Senator MUNDT. How did they vote? How was it broken up?

Mr. KONEC. I believe it was about 80 or 90 percent in favor of the strike.

Senator MUNDT. I have been advised there were 1,105 ayes, 148 noes, and 1 blank. Would that seem to be reasonably accurate?

Mr. KONEC. That could be right?

Senator MUNDT. I was not here on the first day of the hearing. I understand that was brought out at that time. So just about, to all intents and purposes, I would say a third of the members who worked at the plant voted to strike?

Mr. KONEC. That could be correct.

Senator MUNDT. And of those who were eligible to vote, something under 50 percent voted to strike?

Mr. KONEC. That is correct.

Senator MUNDT. Why did so many go home? You had 2,500 people there. Before they voted, over half of them went home. That was the thing I was trying to bring out.

Mr. KONEC. I talked to a great many of the people that didn't vote. They said "Why should I stay there and waste my time? You know how I feel about it. I will be out on the picket line." If you had been there April 5, 1954, you would have seen that they meant it. They were all out there.

Senator MUNDT. This was a secret ballot?

Mr. KONEC. That is correct.

Senator MUNDT. So you didn't know who the 148 were who voted "No"?

Mr. KONEC. That is right.

Senator MUNDT. You didn't know who the 1 was who couldn't make up his mind, and you didn't know who the 1,105 were that made up those that voted for the strike?

Mr. KONEC. That is right.

Senator MUNDT. It seems to me that is a much fairer test of the sentiment of the people who want to go on strike, than those who can be whipped up to go out on a picket line. I mean social pressures, a lot of other things, can induce a man to go on a picket line. But when he votes, he votes his conviction. I was wondering why less than half of those who attended the meeting even stayed there to vote.

How long did the meeting last?

Mr. KONEC. I wouldn't know exactly. I wouldn't remember.

Senator MUNDT. You were there?

Mr. KONEC. I know it.

Senator MUNDT. Did it last a half day?

Mr. KONEC. No. It started in the afternoon. I don't remember exactly what time.

Senator MUNDT. Was it over before midnight?

Mr. KONEC. Sure.

Senator MUNDT. Was it over by suppertime?

Mr. KONEC. When I left there it was around suppertime.

Senator MUNDT. Yes, but you probably stuck around for the counting, if you were interested.

Mr. KONEC. That is right.

Senator MUNDT. About what time would you say the ballot was taken, according to your best judgment?

Mr. KONEC. I wouldn't say exactly, but I will let you pin me down between maybe 4 and 6 o'clock when the voting was going on.

Senator MUNDT. So we will compromise and say 5.

Mr. KONEC. You can compromise but I will say it was between 4 and 6.

Senator MUNDT. All right. The meeting lasted, then, roughly about 2 hours from the time it started until the time that the vote was taken?

Mr. KONEC. I would say that is a fair answer.

Senator MUNDT. I am trying to find out this point. It seems to me that men whose livelihoods are involved, men who have working conditions which either are distasteful to them or are acceptable to them, men who in the period of a strike have their income reduced, men who like to look forward to a better wage scale if they have a strike, this is pretty important business for the 2,500 people who were there. I am curious to know why over half of them go home. I can see where it is pretty hard to get people to vote Republican or Democrat, to get half of the vote.

But here, where a meeting is called attended by 2,500 people, certainly a lot of personal problems were being settled by that vote, as far as the people were concerned, whether they had wage grievances, working conditions grievances, or whether they were happy with things as they were.

I am trying to find some plausible reason why over half of the people involved, who had paid dues for the privilege of voting, went home and didn't vote. You cannot shed any light on it?

Mr. KONEC. No, sir, I cannot tell you why, unless it is just that they didn't want to stick around. But I have something in here that says "When the membership of local——

Senator MUNDT. What is that?

Mr. KONEC. The daily strike bulletin, April 5, 1954. This is the first publication:

The membership of the local is to be commended for its efficient and orderly conduct which accompanied without violence that which the company considered impossible, the presence and spirit of approximately 3,000 pickets was a tremendous expression of workers' solidarity which surpassed the expectations of the union leadership. There were some on the picket line who were not even union members. Several asked union representatives "Where do I go to sign up in the union?"

Senator MUNDT. That does not throw any light on my question as to why so many of them went home. It seems to me this is curious phenomenon to me, that when you do provide a secret ballot, and I think it was commendable that you did that, when you do explain to the group the problems confronting them, that the negotiations have broken down, and somebody undoubtedly was suggesting the strike and pointing out what they might win by a strike, that over half of them would go home. I remember Elmwood Hubbard one time said, "It would be a hell of a parade if nobody stood on the sidelines to cheer." I recognize you cannot get them all to vote. I recognize you can get them to go to a picket line and with different reasons you can get them to vote.

I wondered if you could give a reason to the committee in addition to what you have already said, that over half of the people who came to the meeting less than 2 hours later went home and said "Whatever you fellows do is Jake with us."

Mr. KONEC. The only reason I know is they didn't want to stay there and wait in line. I can also tell you that 16 months later we took another vote to continue the strike where there were over 1,800 people that voted to continue the strike. That was another secret ballot.

The CHAIRMAN. Senator McNamara?

Senator McNAMARA. Mr. Chairman, I just have a couple of questions. I would like to ask the witness what he said WERB stood for.

Mr. KONEC. Wisconsin Employment Relations Board.

Senator McNAMARA. That is an official board of the State of Wisconsin?

Mr. KONEC. That is correct.

Senator McNAMARA. You make reference to the fact that the strike committee was in charge of all the activities on the picket line and such things. Did you work under the strike committee, too?

Mr. KONEC. I was a member of the strike committee.

Senator McNAMARA. You were a member without vote?

Mr. KONEC. That is right.

Senator McNAMARA. You acted more or less in an advisory capacity?

Mr. KONEC. Well, before anything came up, like we discussed different things, we would all discuss it and I could get into the discussion, but when the vote was taken, I had no vote.

Senator McNAMARA. Tell me this: How did the executive committee become designated as a strike committee? Was this by a vote of the local union?

Mr. KONEC. I believe that was a vote by the membership.

Senator McNAMARA. The membership voted to designate the executive committee of the local as the strike committee?

Mr. KONEC. I believe that is right.

Senator McNAMARA. I do not think that was brought out in the previous discussion. I thought maybe it would be important to find out how they got the authority. I think that is all, Mr. Chairman.

Senator MUNDT. That second vote must have been taken at this initial meeting, then, is that right?

Mr. KONEC. Pardon me, sir?

Senator MUNDT. The vote designating the executive committee as the strike committee must have been taken after the ballots were counted at this first meeting?

Mr. KONEC. I don't think that was taken after that.

Senator MUNDT. When was it taken? Did you have another membership meeting between the time they voted to strike and the time they actually did strike?

Mr. KONEC. I don't know exactly when it was taken. I don't even know if I am correct in saying that it was a membership vote that got it. I was not on the executive board.

Senator MUNDT. I don't know that it is material, but if you are correct in saying that the executive committee was named the strike committee by vote of the membership, it seems to follow it must have been at a vote at the initial meeting, following the counting of the ballots when it was found that a majority of those voting had voted to strike. You don't recall that?

Mr. KONEC. No, I don't.

Senator MUNDT. You said you stayed until almost the bitter end.

Mr. KONEC. That is right, but I don't recall that at all. Actually, to tell you the truth, that was just a guess when I said the membership voted for it. I believe that is democratic way of doing it, and I believe that is the way it was done. But if I was to say I am sure it was done that way, I couldn't say it.

Senator McNAMARA. I think it would be important for the record to determine how it was done, if it was done in a democratic manner. Maybe previously the understanding was that the executive board, which is in charge of all of the affairs of the local between meetings, might cover it. But I think it would be of interest to the committee to know where the designation came from and by what authority.

Mr. KONEC. It must have come from the members.

Senator MUNDT. Mr. Rauh, you can supply a witness to speak to that accurately rather than this gentleman?

Mr. RAUH. Yes.

Mr. KONEC. I think you will have a witness that will know more about that.

Senator McNAMARA. Can you suggest who it will be?

Mr. KONEC. The recording secretary, Mr. Kohlberg.

The CHAIRMAN. Thank you very much.

Mr. KONEC. May I ask the Chair a question? Am I excused to go back home?

The CHAIRMAN. Does anyone want this witness any further?

You are excused to go home, as far as I am concerned.

Mr. KONEC. Thank you very much.

Mr. RAUH. Mr. Chairman, while Mr. Burkhart is on the way, may we have the National Labor Relations examiner's findings made an exhibit to the record? It has been referred to in minor parts from time to time, and I would prefer to have it in the record in full. We have offered to accept it, but it is now being used against us. I think the whole thing ought to be in.

The CHAIRMAN. The Chair is not going to order it printed in this record. It is a public document. I assume we have an accurate copy of it. If we have, without objection, it could be quite proper that it be made an exhibit for reference.

Is there any objection?

The Chair hears none.

It is so ordered. It will be exhibit 22.

(Document referred to was marked "Exhibit No. 22," for reference, and may be found in the files of the select committee.)

The CHAIRMAN. Mr. Burkhart, do you solemnly swear the evidence you shall give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BURKHART. I do.

TESTIMONY OF ROBERT BURKHART

The CHAIRMAN. State your name, your place of residence, and business or occupation.

Mr. BURKHART. My name is Robert Burkhart. I live at 7962 La Mesa Way, Buena Park, Calif. I am an international representative for the United Auto Workers.

The CHAIRMAN. And Mr. Rauh is appearing as your attorney, is he?

Mr. BURKHART. He is, sir.

The CHAIRMAN. The record may so show.

Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Burkhart, you are in California now?

Mr. BURKHART. Yes, sir; that is right.

Mr. KENNEDY. Working for the UAW?

Mr. BURKHART. I am, as an organizer.

Mr. KENNEDY. For a period of time you were with the UAW as international organizer at the Kohler plant?

Mr. BURKHART. I was.

Mr. KENNEDY. During what period of time?

Mr. BURKHART. I arrived in Sheboygan in September of 1953.

Mr. KENNEDY. And you were there until what time?

Mr. BURKHART. I left there, I believe it was in late July or, possibly, in August of 1955.

(At this point, Senator McClellan withdrew from the hearing room.)

Mr. KENNEDY. So, you were there for a period of approximately 2 years?

Mr. BURKHART. Yes; I would say approximately that.

Mr. KENNEDY. And you were the international organizer in charge during that period of time?

Mr. BURKHART. I was.

Mr. KENNEDY. How long have you been a member of the UAW?

Mr. BURKHART. I joined the UAW, in a sense, before it was the UAW. I belonged to local 18384 of the old American Federation of Labor in 1935, when I was 16 years old. This later was one of the groups which became one of the first units or locals of the United Auto Workers.

Mr. KENNEDY. When did you first become an officer?

Mr. BURKHART. Shortly after I went into the plant, I became a departmental steward. I would say maybe a year or 2 years after I went into the plant.

Mr. KENNEDY. When did you become an international organizer?

Mr. BURKHART. I became an international representative of the union for the first time in 1942. I was on the staff, that was the regional staff, of region 2-B, in Toledo, for approximately 1 year. I then returned to shop again.

Mr. KENNEDY. You held that position from 1942 to 1943?

Mr. BURKHART. Yes; 1942 and 1943, for about 1 year.

Mr. KENNEDY. Then when did you become an organizer again?

Mr. BURKHART. In June of 1951.

Mr. KENNEDY. I understand that, during at least part of your life, you were a member of the Socialist Workers Party?

Mr. BURKHART. That is correct, sir.

Mr. KENNEDY. When were you a member of the Socialist Workers Party?

Mr. BURKHART. I place it 1944 to 1947.

Mr. KENNEDY. During 1944 to 1947?

Mr. BURKHART. Yes, sir.

Mr. KENNEDY. You were not an international organizer during that time?

Mr. BURKHART. I was not.

Mr. KENNEDY. Was that Socialist Workers Party on the Attorney General's list during that period of time?

(The witness conferred with his counsel.)

Mr. BURKHART. I don't believe, Mr. Kennedy, that there was a list at that time. I believe that the list was published sometime in the year 1947, to the best of my recollection.

Mr. KENNEDY. Subsequently, it was put on the Attorney General's list?

Mr. BURKHART. Yes, sir.

Mr. KENNEDY. As a subversive organization?

Mr. BURKHART. Yes, sir.

Mr. KENNEDY. You say that you got out of the Socialist Workers Party in 1947?

Mr. BURKHART. Yes, sir.

Mr. KENNEDY. For what reason did you resign?

Mr. BURKHART. Well——

Mr. KENNEDY. Or get out, or whatever you do?

Mr. BURKHART. It has some connection, I suppose, with my reasons for getting in. I had gone into the organization in the first place because I had thought that it perhaps was a solution to some of the problems which had affected me as a young man during the depression. I think that there were many of my generation who went into such organizations, and found that the solutions did not lie there.

(At this point, Senator McClellan entered the hearing room.)

Mr. BURKHART. I left the organization because I no longer believed in its principles. I felt that the solutions to our problems lay within the framework of our free-enterprise system and our constitutional form of government.

Mr. KENNEDY. You were not a member of the Socialist Workers Party or had anything to do with it at the time you were an international organizer in the Kohler strike?

Mr. BURKHART. No, sir.

Mr. KENNEDY. What were your responsibilities in the Kohler matter?

Senator CURTIS. Would you yield for a question right there?

Mr. KENNEDY. Yes, Senator.

Senator CURTIS. Did you join any other organizations, other than the International Socialist Workers Party?

Mr. BURKHART. Any other organization, sir?

Senator CURTIS. Yes.

Mr. BURKHART. Well, I belonged to other organizations; the YMCA, for example.

Senator CURTIS. You were speaking of your motivations back there in the 1930's, by reason of your experiences in the depression which caused you to join this. Did that or similar reasons cause you to join any other organizations?

Mr. BURKHART. Well, in a sense, sir, I was once a member, a very close member, of the church. I was looking for solutions in that field at one time. I was a Sunday-school teacher, a president of a young people's society.

Senator CURTIS. Did you ever belong to any other organization that was labeled as subversive by the Attorney General?

Mr. BURKHART. No, sir.

Senator CURTIS. That is all.

Mr. KENNEDY. What were your responsibilities and duties——

Senator MUNDT. Before we leave that point, I have a question, Mr. Chairman.

The CHAIRMAN. Senator Mundt.

Senator MUNDT. The International Socialist Party, was that the name? The International Socialist Workers Party? Was that the name of the organization?

Mr. BURKHART. I believe the name of the organization was Socialist Workers Party.

Senator MUNDT. And you joined it in what year?

Mr. BURKHART. I believe it was 1944.

Senator MUNDT. And you got out in what year?

Mr. BURKHART. I believe 1947.

Senator MUNDT. Why did you get out?

Mr. BURKHART. Because I no longer believed in the tenets of the organization. I did not believe that the solution to the problems of the working people lie in that direction.

Senator MUNDT. Did you believe, at the time you went in, that it was dominated by the Communists?

Mr. BURKHART. Dominated by the Communists, sir?

Senator MUNDT. Yes.

Mr. BURKHART. No; I did not believe so.

Senator MUNDT. Did you believe that at the time you got out?

Mr. BURKHART. Dominated by the Communists?

Senator MUNDT. Yes.

Mr. BURKHART. No. There had always been, as I recall it, sharp divisions between them and the Communists.

Senator MUNDT. I think it depends upon which branch of the Communist Party you are talking about.

Mr. BURKHART. That is possible. There are so many of them.

Senator MUNDT. What attitude did the Socialist Party take on the war which was then in progress? Do you recall?

Mr. BURKHART. There was general opposition. There were differences of opinion, as I understand it, within the organization. There were some people who were pacifists.

Senator MUNDT. What was the official party position?

Mr. BURKHART. I believe that there was general opposition to the war.

Senator MUNDT. Do you recall how they defined the war in those days?

Mr. BURKHART. I am sorry, sir, I do not. At that time I was a trade unionist. I was not particularly interested in theory.

Senator MUNDT. As a member of the party for those 3 or 4 years, you probably knew something about its position on something as significant as the war. I was wondering if you could tell the committee what the official position of the party was.

Mr. BURKHART. I don't feel qualified, sir, to do that.

Senator MUNDT. In another capacity, in another body of the Congress, on a different committee, I had some relationship with that party. Would you deny that the position of the party was that this was an imperialistic war, and that consequently they stood in opposition to it?

(The witness conferred with his counsel.)

Mr. BURKHART. I believe that that is correct, that that was their position, to the best of my recollection.

Senator MUNDT. I think that is correct.

Were any of their leaders later convicted under the Smith Act?

Mr. BURKHART. I beg your pardon, sir.

Senator MUNDT. Were any of the leaders at a later time convicted under the Smith Act?

Mr. BURKHART. Not to my knowledge.

Senator MUNDT. You are not sure?

Mr. BURKHART. No. I am not sure.

Senator MUNDT. Getting out of a bad situation, and I can sympathize with you for getting trapped in it, because some pretty decent Americans in that era got trapped in not only front organizations but other subversive organizations, and, as a matter of fact, into the Communist Party itself—I am interested in the steps that you took to get out.

What was the procedure by which you got out?

(At this point, Senator McNamara withdrew from the hearing room.)

Senator MUNDT. Did you rise up and condemn it for its opposition to war?

Did you rise up and condemn it because it was fraternizing with one wing of the Communist Party?

Did you rise up and condemn it because its basic concepts concerning private enterprise were in anathema to our American system, or what did you say?

Mr. BURKHART. I objected to lack of democracy within the organization, and then I just discontinued activities. I didn't go to meetings and things of that sort, didn't pay any dues to the organization, and let it be well known to the people in the plant where I worked that I was no longer associated with the organization.

Senator MUNDT. Did you ever make any public statements, so that your friends and associates would know that you no longer belonged to the party?

Mr. BURKHART. At that time I was in no position to issue public statements on the matter. I was active in the trade-union movement at the time, and I let it be known to all of my associates that I was no longer associated with the organization.

I might point out that at this juncture I had noticed that where I had been a popular trade-union leader up until the time that I had gotten into the organization, that gradually the people, the very people I was trying to help, because I had come from them myself, had drifted away from me. They no longer seemed to trust me. It had to be my closest friends for me to talk to without an attitude of suspicion. That was one of the——

Senator MUNDT. Was that suspicion derived from the fact that you joined the party or that you had gotten out?

Mr. BURKHART. That I had gotten in. This grew at that time. Ever since I was 18 years old, the one thing I wanted to do was to do a good job in the trade-union movement. I had taken a wrong path, and then I did my best at a later date to rectify that.

I can tell you very sincerely, Senator, that it hurt me deeply to attempt to run for office in a trade-union election and be defeated by people whom I knew were friends of mine. One of my best friends ran against me and told me quite frankly why he ran against me. I began to reevaluate my whole position.

Senator MUNDT. I am sure everybody at this whole table can sympathize with your feeling about being defeated in an election. We can understand that. Your friend ran against you, told you he ran against you. Why?

Mr. BURKHART. Well, he said, "I do not think you are yourself any more. I don't think you are talking for yourself. We feel that you are being influenced."

Senator MUNDT. Was his implication that you were being influenced by your membership in this Socialist Party?

Mr. BURKHART. That is right, sir.

Senator MUNDT. In other words, you were known among your friends and fellows as a member of the party?

Mr. BURKHART. Yes, sir.

I would also like to say here at this point that at that time the position of the Socialist Workers Party was violently in opposition to the Reuther trend in the international union, and has been so rather consistently.

Senator MUNDT. I was not relating it to Walter Reuther. I was thinking in terms of its political philosophy, and its economic philosophy.

You said you were not in a position at the time you withdrew to make any public statement. I wonder if you could dilate on that a little bit.

Mr. BURKHART. Well, I had no particular means to do that. I wouldn't write a letter to the newspapers and say, "I am no longer associated with the Socialist Workers Party." The circles that I moved in were in fact tremendous, in my union, and these were the people that I talked to.

Senator MUNDT. I thought that was what you tried to imply, that you were not at that time an important enough individual in the labor movement to have a national approach, perhaps, in which to air your statements.

Mr. BURKHART. That is right.

Senator GOLDWATER. I have one question before we let this pass.

Did you state the purpose of the party as you understood it when you were a member?

Mr. BURKHART. The purpose of the party?

Senator GOLDWATER. Yes.

Mr. BURKHART. I don't believe I did, sir.

Senator GOLDWATER. Can you tell us what you understood the purpose to be?

Mr. BURKHART. As I understood it, the purpose of the party was to change the economic system under which we lived, and provide more advice for the working people. This was the objective, as I understood it.

Senator GOLDWATER. Has not that organization always stood for the violent overthrow of the Government?

Mr. BURKHART. I beg your pardon, sir?

Senator GOLDWATER. Has not that organization always stood for the violent overthrow of the Government?

Mr. BURKHART. I don't know that, sir.

Senator GOLDWATER. You never heard that when you were attending meetings?

Mr. BURKHART. No, sir. I never heard anybody advocate violent overthrow of the Government in any meeting I attended.

Senator GOLDWATER. I did not suggest you heard them, but was that not the purpose of the party?

Mr. BURKHART. Not to my knowledge, sir.

Mr. KENNEDY. Mr. Burkhart, as I understand it, you were out of the Socialist Workers Party and had nothing to do with it for 6 or 7 years at the time you went to Kohler, Wis.?

Mr. BURKHART. Yes, sir. I had to attempt to rebuild myself in my shop organization, and I did not go to work for the international union until sometime later.

Mr. KENNEDY. You went up there in 1953?

Mr. BURKHART. In 1953.

Mr. KENNEDY. Who appointed you as an international organizer to conduct the affairs of the Kohler Co. of local 833 of the UAW?

Mr. BURKHART. I had been working as an organizer in Philadelphia, and I got the Kohler assignment not by design, but more or less by the flip of a coin. I sort of wished now that it had dropped the other way.

I was called into Detroit and I met with International Secretary-Treasurer Mazey, Martin Gerber, the regional director of the United Auto Workers for region 9, which is one of the internal regions—I had been working in his region, I think is the reason he would be in the meeting—and Richard Gosser, a vice president of the international union.

(At this point, Senator McNamara entered the hearing room.)

Mr. KENNEDY. What was the purpose of sending up an international organizer, as it was discussed at that meeting, or as you found out later?

Mr. BURKHART. Well, there were two serious situations in Wisconsin at that time. One was the JIK situation, in Racine, Wis., and the other was the Kohler situation.

It was determined, inasmuch as the organizer who was finally assigned to JIK lived in the Chicago area, that I would be the one to go into Kohler. The purpose was to attempt to assist the local union.

At the time of the election, at the time of the first signing of the first contract, rather, in 1953, they had been assured that they would get a couple of organizers to come in and assist them in setting up this new local union, where they had had a background of 18 years of company domination in the old KWA. It was my purpose to go in and to assist the local union. Further than that, many grievances had piled up in the period from the signing of the first contract until September, when I went into the situation.

The steward body was falling apart, because of the ineffectiveness of the local in settling grievances. Many people refused to become stewards. Some departments had no stewards whatsoever.

It was necessary for me to go in and give the local union the assistance which had been promised them earlier this year. Frankly, Sakhorske, the assistant regional director, had been servicing the local, but because of the fact that he had other duties, he was not able to spend as much time in Sheboygan as probably should have been done.

Mr. KENNEDY. Did you take part or participate in the bargaining meetings between the UAW and the company?

Mr. BURKHART. Are you talking about the period prior to the strike, Mr. Kennedy?

Mr. KENNEDY. Yes.

Mr. BURKHART. Yes.

Mr. KENNEDY. And you also handled grievances for the union?

Mr. BURKHART. Yes, I did.

Mr. KENNEDY. Were there any other international organizers or international representatives at Kohler at the time you were there?

Mr. BURKHART. Will you give me again the period, sir?

Mr. KENNEDY. Well, let's take prior to the strike.

Was there anybody else from the international union there?

Mr. BURKHART. I believe on several occasions Frank Sahorske came up to give some advice and assistance, inasmuch as he had been assigned to the local prior to that. I believe Don Rand came in on 1 or 2 occasions, but I could not say that with certainty.

Mr. KENNEDY. What was the position of the international?

What was the position of the international toward the calling of the strike in April of 1954?

Mr. BURKHART. The position of the international, as enunciated to the local union membership, was that we seemingly could get no further with the bargaining, with our attempts at bargaining, with the company, and that it was necessary for them to take the strike vote to demonstrate the solidarity and to give the necessary strength at the bargaining table to their bargaining committee.

Mr. KENNEDY. After the strike was called in April of 1954, did some other international organizer come up to Sheboygan, up to Kohler?

Mr. BURKHART. Yes, sir; some did.

Mr. KENNEDY. Who were some of those? Jess Ferrazza?

Mr. BURKHART. Yes.

Mr. KENNEDY. Why did Jess Ferrazza come up to Kohler?

Mr. BURKHART. He was administrative assistant to the international secretary-treasurer, and he came in to give assistance to the bargaining table prior to the strike.

Mr. KENNEDY. Was he up there while the strike was going on?

Mr. BURKHART. He was up there part of the time, yes.

Mr. KENNEDY. And Donald Rand?

Mr. BURKHART. Donald Rand was there.

Mr. KENNEDY. What was Donald Rand's position up there?

Mr. BURKHART. Donald Rand was, as I recall it at that time, associated with the skilled trades department of the UAW, and was in to give assistance on such problems as those, and he had been in Sheboygan on several occasions in the past.

Mr. KENNEDY. Were both of those people, Ferrazza and Donald Rand, paid their salaries out of international funds?

Mr. BURKHART. I would suppose that they were.

Mr. KENNEDY. Your salary was paid out of the international?

Mr. BURKHART. Yes, sir.

Mr. KENNEDY. What about Ray Majerus, he was up there also?

Mr. BURKHART. Ray was a former member of local 833, who had been discharged by the company, in the enamel shop incident, and he was at that time a regular international representative working for Harvey Kitzman, and he came up to be of assistance, and he knew everybody in the situation.

Mr. KENNEDY. What was William Vinson doing up there?

Mr. BURKHART. William Vinson?

Mr. KENNEDY. Yes.

Mr. BURKHART. He was a member of, I believe, the Briggs' local in Detroit, and this is a competitive shop to the Kohler plant, and he was fully aware of the situation in his own local in regard to type of

work and was up there to discuss these matters with people being able to talk because he had some familiarity with that type of work.

Mr. KENNEDY. I want to come back to these people but I want to see if we can get their names in the record. John Gunaca, where did he come out of?

Mr. BURKHART. I believe John Gunaca was also out of the Briggs local. I had not known him before he came in.

Mr. KENNEDY. What was the reason for his coming up?

Mr. BURKHART. Similar reasons to those of Mr. Vinson.

Mr. KENNEDY. What about Joseph Burns?

Mr. BURKHART. Joseph Burns, I can't remember the name of the department at the moment, but he was in the community service department of the UAW, which specializes in community services problems, and one of their jobs is to assist in handling strike assistance problems.

Mr. KENNEDY. Who paid Joseph Burns, do you know that?

Mr. BURKHART. He was paid by the international union.

Mr. KENNEDY. What about Frank Stallons, S-t-a-l-l-o-n-s, do you know anything about him?

Mr. BURKHART. Frank Stallons is a member of one of our locals in Wisconsin, and I believe in Kenosha. I do not know how he was paid.

Mr. KENNEDY. Do you know for what reason he was up there?

Mr. BURKHART. For what reason he came up?

Mr. KENNEDY. Yes.

Mr. BURKHART. No, I don't.

Mr. KENNEDY. What about Dan Prested?

Mr. BURKHART. Dan Prested at that time was working out of the Milwaukee office of the UAW, and he came up at the beginning of the strike.

Mr. KENNEDY. What was the reason, why was he up there?

Mr. BURKHART. To give general assistance around the situation, and he drove a sound truck part of the time.

Mr. KENNEDY. What about James Fiore?

Mr. BURKHART. James Fiore was from Detroit, and I think he also was out of the Briggs local 212.

Mr. KENNEDY. Do you know who paid him?

Mr. BURKHART. No, sir; I don't know who paid him.

Mr. KENNEDY. Clayton Carpenter?

Senator MUNDT. He was the man who drove the sound truck but he would not come all the way from Detroit to drive a sound truck, and he must have been in charge of the microphone that made the announcement. Wouldn't that be more accurate?

Mr. BURKHART. I think that I said that the men who came from Milwaukee, that was one of his jobs.

Senator MUNDT. Even so, I suppose they could find a sound-truck driver closer to Sheboygan or Kohler than that. Were his duties involved in part in broadcasting from the apparatus in the truck, rather than steering the truck around the streets?

Mr. BURKHART. Well, yes; he had something to do with that, excepting there was a sound-truck ordinance in the village of Kohler, and the sound trucks were not used for that period, with the exception of, I believe, or a test case that we made of it.

Mr. KENNEDY. And Clayton Carpenter, what was he doing up there?

Mr. BURKHART. Clayton Carpenter is an international representative who works for Harvey Kitzman, out of the Milwaukee office. He came up with Kitzman, and I believe he drove Harvey up on a number of occasions.

Mr. KENNEDY. Did he stay up there?

Mr. BURKHART. He was up for a short period of time, Mr. Kennedy, and I don't know exactly how many days, but I believe he went back to Milwaukee, and probably came in again on a couple of occasions.

Mr. KENNEDY. And you have mentioned Kitzman and Sahorske. He was paid by the international?

Mr. BURKHART. Yes; he was the assistant to Harvey Kitzman at that time.

Mr. KENNEDY. What about Boyce Land?

Mr. BURKHART. Boyce Land was from Detroit. I could not say with certainty which one of the locals he was from. I think it was from the Briggs local, though.

Mr. KENNEDY. Do you know who paid for him?

Mr. BURKHART. No; I don't.

Mr. KENNEDY. Do you know how much time he was up there?

Mr. BURKHART. I would say about a month. I am not sure of that, no.

Mr. KENNEDY. What about Frank Wallich?

Mr. BURKHART. Frank Wallich in the early part of the strike was in charge of our publicity.

Mr. KENNEDY. Who sent him up there?

Mr. BURKHART. I believe he was assigned by the international union.

Mr. KENNEDY. And Guy Barber?

Mr. BURKHART. Guy Barber was there, and I don't know who paid him and I understand he was from local 7, the Chrysler local in Detroit, and I believe he brought the sound truck in when he came.

Mr. KENNEDY. Now, is it the ordinary strike where you have maybe 15 or so individuals from the international or from locals that are sent into an area all to guide and advise the local people?

Is that an unusual situation where you had so many people?

Mr. BURKHART. I would say it is somewhat unusual.

Mr. KENNEDY. Why was it necessary to have all of these people up there in the case of this strike?

Mr. BURKHART. We realized this was a very tense situation, and that the tensions of the last 20 years had been building up into the situation that confronted us, and we were interested in having people there who could exercise some measure of advise in the situation.

Mr. KENNEDY. Were you requested by the local to send these people up?

Mr. BURKHART. The local wanted assistance.

Mr. KENNEDY. They wanted all of those people up there?

Mr. BURKHART. I believe they would have liked it if we had furnished them with more assistance than what we did.

Mr. KENNEDY. Did you have more people than the ones whose names I have read to you?

Mr. BURKHART. I do not recall more than that.

Mr. KENNEDY. Who coordinated all of this for the international to make sure that the people came from the Briggs local, from the international, from Kenosha, and from Milwaukee? Who was responsible for that?

Mr. BURKHART. I don't know with certainty. It came from the Detroit office.

Mr. KENNEDY. Who would you report to, for instance?

Mr. BURKHART. Who would I report to?

Mr. KENNEDY. Yes.

Mr. BURKHART. Well, I reported to people who were my superiors.

Mr. KENNEDY. Who was that?

Mr. BURKHART. That would be Mr. Ferrazza, Mr. Kitzman, and Mr. Mazey.

Mr. KENNEDY. Who were they reporting to in Detroit, and who was coordinating all of these activities at the Kohler plant?

Mr. BURKHART. Well, the secretary-treasurer's office, to the best of my knowledge, was handling the affairs which affected the international.

Mr. KENNEDY. That would be Mr. Mazey?

Mr. BURKHART. And the regional director.

Mr. KENNEDY. Would that be Mr. Mazey, then?

Mr. BURKHART. Mr. Mazey is the secretary-treasurer.

Mr. KENNEDY. It was out of his office, was it, that these activities were coordinated and it was decided who would go up there, and what their function would be?

Mr. BURKHART. In deciding who would come into Sheboygan and assist local 833?

Mr. KENNEDY. Yes, and what their function would be once they got up there.

Mr. BURKHART. Well, I think that the question of function was somewhat determined after they got there.

Mr. KENNEDY. Who decided that they would be sent up there? There must have been some need for it and it has to be cleared through someone, and was that the secretary-treasurer?

Mr. BURKHART. I believe it was the secretary-treasurer's office in conjunction with the regional office in Milwaukee.

Senator MUNDT. Who specifically asked you to go there, to Wisconsin?

Mr. BURKHART. The international secretary-treasurer's office, and I say there were three officers in the meeting at the time, and I was asked if I would accept the assignment up there.

Senator MUNDT. This was quite a crew from Detroit, some 15 or 20 names, and who was the boss man of this outside crew making the decisions of coordination, and activity on the spot?

Mr. BURKHART. Well, the word was that I was in general charge of the situation. However, I was outranked up there on most of the occasions. I was in general charge of the situation.

Senator MUNDT. In theory, then, you were the boss man, and you were outranked by whom?

Mr. BURKHART. Well, I was outranked to begin with by the local union committee, the strike committee. Further than that, by Mr. Ferrazza, and Mr. Kitzman, and Mr. Mazey, or Mr. Sahorske.

Senator MUNDT. They were all superior to you in the union echelon of leadership?

Mr. BURKHART. That is right, sir.

Senator MUNDT. But as far as your instructions went, you were the man who made the decisions on the spot, unless they were circumvented by 1 of those 4.

MR. BURKHART. I would say that that is correct, excepting that this was a strike of an autonomous local union of the United Auto Workers, and the local union strike committee comprised of the executive board of the local, plus the chief stewards from the various divisions of the plant, were in overall charge of the strike itself.

SENATOR MUNDT. Yes, but I am talking primarily about the outside crew that came in. Somebody had to be kind of in charge of them, and if I understand it correctly now, and you correct the record if I am wrong, that as far as the visiting firemen were concerned, you were the chief unless some decision that you made seemed to run contrary to some higher policy in which case any 1 of 4 people outranked you, and could negate your decision.

MR. BURKHART. I frankly don't like to be called an outsider in the situation. I have been at Sheboygan for about 7 months.

SENATOR MUNDT. The connotation was that you were a visitor from outside Wisconsin.

MR. BURKHART. I can remember, though, that on my 38th birthday, which was in June of 1954, the local union threw a party and I didn't know what its purpose was, and they invited me in, and they gave me a present with a big sign on it which said, "To Our No. 1 Outsider," in quotation marks, because, of course, the company had been attempting to brand all of us as outsiders.

SENATOR MUNDT. By "outsider" I simply meant somebody who didn't work at Kohler, and who didn't live in Wisconsin, and by that definition would you be an outsider?

MR. BURKHART. I lived in Sheboygan.

SENATOR MUNDT. Well, then, you wouldn't qualify as an outsider in my definition. You did not work at Kohler, or did you work there?

MR. BURKHART. I never worked at Kohler, thank goodness.

SENATOR MUNDT. But you lived in Wisconsin; in what town?

MR. BURKHART. In Sheboygan.

MR. KENNEDY. Now, did the international bring in any other people to walk the picket line, for instance?

MR. BURKHART. Not to my knowledge, sir.

MR. KENNEDY. Were there any people brought in from outside to walk the picket line and walk up and down and carry on this mass picketing?

MR. BURKHART. No. The picket line was 99 and some tenths percent Kohler workers who had worked in the plant for some period of time and this was not an outside picket line.

MR. KENNEDY. You say under oath that the international did not make arrangements for hundreds of outsiders to come in and walk the picket line?

MR. BURKHART. I certainly could.

MR. KENNEDY. There were no outsiders brought in for the specific purpose of walking up and down in front of the plant, as pickets.

MR. BURKHART. Well, I think there were other persons who came to the picket line, who were not members of the Kohler local, but not in large numbers.

MR. KENNEDY. That is what I am talking about, in large numbers.

MR. BURKHART. Not in large numbers.

MR. KENNEDY. They were not brought in from the outside in order to walk the picket line?

Mr. BURKHART. Not to my knowledge, and I think that I knew nearly everybody out on the picket line by name by the time the strike took place, and they were Kohler workers.

I will say that on occasions, someone would come over from the tannery or the brewery, or one of the other plants, to show their solidarity, and step into the line, but this was a very minute group. The strike itself, the picketing, was that of Kohler workers, and this is not a case of large numbers of stranger pickets coming into a community, in spite of some of the propaganda that I have seen of the matter.

Mr. KENNEDY. Now, were you in charge of the instructions given to the pickets, and the picket captains, as to how they should operate?

Mr. BURKHART. No. These arrangements, or the picket captains reported to John Konec, who, in turn, was present at the meetings of the strike committee. I was present at many of the meetings of the strike committee, and attempting to give them advice.

Mr. KENNEDY. We have had testimony before the committee from certain law enforcement officials, that they approached you and requested that you make arrangements that the picket line be opened, so that the nonstrikers who wished to go to work could pass through the picket line and get into the plant.

Did you have any conversations with them along that line?

Mr. BURKHART. I listened very carefully, and I have been here every day, and I listened very carefully to the testimony of the law enforcement officials. At no time did any law enforcement officer come to me and say to me directly, "I demand that you open up the picket line." Such orders were not given.

Now, Chief Cappelle did say to me on several occasions, "Let us keep this thing orderly here, and get these people back up on the sidewalk and keep the place clean around here," and numerous other orders of that sort, but on no occasion did the chief say directly to me that he wanted me to open up the picket line.

Mr. KENNEDY. You speak about ordering you, but did he ever ask you to open up the picket line?

Mr. BURKHART. I do not recall any occasion where he asked me to open up the picket line.

Mr. KENNEDY. As the international representative, did you—

Mr. BURKHART. He did ask me to assist him in maintaining order, and I assured him that I would do everything within my power to do so.

Mr. KENNEDY. As the international representative, did you ever take steps to open up the picket line so that the nonstrikers could go into work?

Mr. BURKHART. No, sir; I did not. The thought never occurred to me.

Mr. KENNEDY. Was that the policy of the international, that the nonstrikers who wished to go to work would not be allowed through the picket line?

Mr. BURKHART. Again, Mr. Kennedy, this is a strike of an autonomous local union of the United Auto Workers, and I had no authority to tell this local union what it had to do. I think honestly that if I had gone up and said, "Fellows, open up a path here and let these people in," they would have ridden me out of town on a rail.

Mr. KENNEDY. Now, you had some 12 or 15 or more international representatives up there to help and assist the strikers. They were there to tell them, as I believe, how it should be operated and how they should conduct themselves.

But one of the things you could have told them, as international representatives, was that they should allow the nonstrikers who wanted to work to go through the picket line. Did you ever take any steps along that line?

Mr. BURKHART. No, sir; I did not tell them to open up the pickets.

Mr. KENNEDY. Did you ever ask any of the local people to open up the picket line so that the nonstrikers could get in to work?

Mr. BURKHART. No, sir; I did not.

Mr. KENNEDY. Was that the policy of the international, not to allow the nonstrikers in the plant?

Mr. BURKHART. It was not the policy of the international, but it was the policy of the local union. And the policy of the international, to my understanding, did not call upon me to tell the local union that they had to open up their picket line and let people in.

I would like to say further in that regard that I closely watched the motion pictures that were played here the other day, and I have never seen such a distorted version of what happened in the strike as I saw in those pictures.

Now, the pictures were doctored, in my opinion, and I don't think that they gave this committee a fair representation of what occurred on that picket line at all. It is true that on a couple of mornings the people came across the street, but by and large this was not a picket line where there was this surging back and forth, and so forth.

These pictures were taken in a period of a few moments, and then they are pasted together to try to give the impression to you gentlemen, who were trying to get an objective view of this situation, that this was an extremely violent picket line. But such was not the case. I have seen more violence in the New York subway than I saw in the Kohler picket lines.

Senator GOLDWATER. How did that man get his eye cut open?

Mr. BURKHART. I would like to answer that question, sir. On two occasions I stepped between the two contestants in this altercation, and it did not occur on the picket line. It occurred across the street. It was in Kohler Village. These two men had had hard feelings with each other for a long time prior to the strike, dating back to something I don't know about.

They bristled up to each other on a couple of occasions, and in each occasion I stepped in between them. Unfortunately on this particular occasion I was not present or I would have done so again. This was a fist fight between two men and not on the picket line, but across the street from the picket line.

I believe that the thing has been tried in court, and I don't remember now the exact result.

Senator MUNDT. Were both of these men strikers?

Mr. BURKHART. No.

Senator MUNDT. Both of them were nonstrikers?

Mr. BURKHART. One was a man by the name of Leland Dyke, and it is difficult for me to use the terminology "nonstriker," as Mr. Rauh has pointed out; it is not too clear.

Senator MUNDT. So we understand each other, when I use the word "nonstriker," I am talking about a man who had a job at Kohler before the strike came, and who couldn't go to work after the strike started, and that is what I am talking about. Were either of these men "nonstrikers," according to the Mundt definition of a nonstriker?

Mr. BURKHART. According to the Mundt definition, Mr. Leland Dyke was a nonstriker.

Senator MUNDT. Was the other fellow also a nonstriker?

Mr. BURKHART. His opponent in this was a striker.

Senator MUNDT. O. K., so the altercation was between a striker and a nonstriker, as we understand the terms.

Mr. BURKHART. Yes, and I was merely pointing out it did not occur on the picket line, and there is no question but what the heat of the situation probably aggravated some ancient quarrel that they had with each other.

Senator CURTIS. What were your duties as being in general charge of this strike? What were the things that you were supposed to do?

Mr. BURKHART. Well, my biggest job was collective bargaining. I sat at the bargaining table, and I attempted to get an agreement with the company.

Senator CURTIS. I mean more particularly with the conduct of the strike. What were you assigned to?

Mr. BURKHART. I met every morning with the local union executive board and we discussed various situations which came up during the course of the strike. I also had the job of going around the community and meeting with various people in different segments of the community life, and businessmen, the ministers, and shopkeepers, and so on, and I attempted to tell them how we felt about these things, and to build community support for the strikers.

If I may say so, between my efforts and those of other people, I think that we had considerable success in the city of Sheboygan.

Senator CURTIS. Were there communications sometimes sent from the strike committee to Detroit or reports of some kind?

Mr. BURKHART. It is possible that some letters were sent by the secretary-treasurer or by the secretary of the local union, to Detroit. Now, I would be very surprised if there weren't some sent, but if you would ask me specifically what letters, I couldn't tell you.

Senator CURTIS. Was there any international officer that would report to Detroit what was going on here?

Mr. BURKHART. Yes; I think that Mr. Rand went into Detroit on several occasions, and would give a report. I think Mr. Ferrazza was down at several occasions and went back to Detroit. Mr. Kitzman came in from Milwaukee, and other international representatives came up from Milwaukee on occasion, and would report back to the regional office.

Senator CURTIS. Who would they report to in Detroit?

Mr. BURKHART. I don't know if they reported to the entire executive board of the international, or to the officers, or to Emile Mazey directly, and I think probably most of the reports went to the secretary-treasurer's office.

Senator CURTIS. Now, you were then an international representative?

Mr. BURKHART. Yes, sir.

Senator CURTIS. Did you make any reports about this strike as it went along?

Mr. BURKHART. Yes; I talked to Mr. Kitzman, and to Mazey on a number of occasions, concerning the events of the strike.

Senator CURTIS. By telephone?

Mr. BURKHART. I believe that I called on the phone on several occasions.

Senator CURTIS. Did you make any trips to Detroit?

Mr. BURKHART. I think that I went in on 1 or 2 occasions, Senator.

Senator CURTIS. You did call them?

Mr. BURKHART. Yes.

Senator CURTIS. Who would you telephone?

Mr. BURKHART. I would telephone to Mr. Ferrazza or to Mr. Mazey.

Senator CURTIS. Did you call anybody else in Detroit?

Mr. BURKHART. Not to my knowledge.

Senator CURTIS. Did you make any written reports?

Mr. BURKHART. I don't recall any written reports, Senator. I may have sent some letters in connection with the strike. I wouldn't recall offhand.

Senator CURTIS. Who would you correspond with?

Mr. BURKHART. If I sent the communication to Detroit, it would have been sent to the secretary-treasurer's office. I frankly don't recall any such communication, however.

Senator CURTIS. Did any matters ever come up in the strike committee that the advice and counsel of the Detroit headquarters would be sought?

Mr. BURKHART. Will you repeat the question, please?

Senator CURTIS. Did any matters ever come up in the strike committee as they met from day to day that would be referred to Detroit for counsel and advice?

Mr. BURKHART. Well, I don't recall any such. I would not deny that there may have been some. I don't recall any offhand. You see, I have now been disassociated from that situation for about 2½ years, and it is difficult to remember each one of these things.

Senator CURTIS. Now, Jesse Ferrazza, what were his duties in Kohler?

Mr. BURKHART. Jesse Ferrazza?

Senator CURTIS. Yes.

Mr. BURKHART. Well, Jesse came in, as I recall it, shortly before the strike, and he was administrative assistant to Emile Mazey and he participated in the bargaining, and he has had considerable experience at the bargaining table. And I believe that he was sent in to attempt to negotiate a contract to obviate the need of the strike.

Senator CURTIS. But in the conduct of the strike, what were his duties?

Mr. BURKHART. In the conduct of the strike?

Senator CURTIS. Yes.

Mr. BURKHART. He was on the picket line on several occasions when he was out there. I don't know exactly how much time he was in Sheboygan.

Senator CURTIS. Were any particular matters referred to him as the strike went along?

Mr. BURKHART. No; I don't believe so, that I can recall.

Senator CURTIS. What was Donald Rand's duties?

Mr. BURKHART. His duties in the strike?

Senator CURTIS. Yes.

Mr. BURKHART. Well, it was being on the picket line, mingling with the people of Sheboygan, and attempting to build up morale in the situation.

Senator CURTIS. And Ray Majerus, what were his duties?

Mr. BURKHART. Ray Majerus was an original Kohler worker, and a citizen of Sheboygan, and we felt that his presence would be of assistance in the strike because he knew so many people there, and his job was to talk to people and bolster spirits and that sort of thing.

Senator CURTIS. How long before the strike did you put him on the payroll?

Mr. BURKHART. Well, this was before my time in Sheboygan. I know he was discharged by the Kohler Co. from the enamel shop in 1952, and I remember seeing that there was an NLRB case on that. I don't know exactly when he was put on the payroll, and I think you will have to get that information from someone other than myself.

Senator CURTIS. It was before you came there?

Mr. BURKHART. Yes, sir.

Senator CURTIS. When did you come there?

Mr. BURKHART. September of 1953.

Senator CURTIS. When did the strike start?

Mr. BURKHART. The strike started on April 5, 1954.

Senator CURTIS. And Majerus had been placed on the payroll sometime before you came there?

Mr. BURKHART. Yes.

Senator CURTIS. He wasn't an organizer, was he?

Mr. BURKHART. I beg your pardon?

Senator CURTIS. He wasn't an organizer?

Mr. BURKHART. I believe he did organizing work in Milwaukee, and I believe that the fact that the Universal Rundle Co. is now organized in the UAW is attributable, to a great extent, to Ray's efforts there.

Senator CURTIS. What were the duties of William Vinson, in connection with the strike?

Mr. BURKHART. William Vinson, his job was to be at the picket line, to talk to people in other places and tell them of the experiences of the Briggs local in collective bargaining, and to talk to people who did the type of work that he had done in the plant.

Senator CURTIS. He didn't bring in a sound truck, did he?

Mr. BURKHART. I don't know for sure.

Senator CURTIS. How many sound trucks did you have arrive there?

Mr. BURKHART. I believe there were 2 or 3.

Senator CURTIS. Two or three?

Mr. BURKHART. Yes, sir.

Senator CURTIS. And they were all brought in from outside?

Mr. BURKHART. Well, later in the strike I believe that the local union itself purchased a sound truck, but the 2 or 3 I am talking about did come in from outside. I think 2 of them were from Michigan, and 1 was from someplace—I think it belonged to the CIO council in Milwaukee, and I am not certain of that.

Senator MUNDT. I have been thinking about what you said about that picture.

Mr. BURKHART. Which picture, sir?

Senator MUNDT. The one that we saw, the motion picture, and you said it was a doctored picture. That could imply 1 of 2 things. It could imply that the person who prepared it took a scene here and a scene there, and took a scene some other day, and placed them together, and showed a particular picture designed to convey, by whoever prepared it, what was considered to be the excesses in the strike, or it could mean that something was injected into the picture which did not actually occur in the picket line. Now, by doctoring the picture, what do you mean? Do you mean there is something there that didn't take place on the picket line?

Mr. BURKHART. Well, let me put it this way: Since I have been here in Washington, if you had taken pictures of all of my actions and then you had clipped this to show me at the dinner table, you could get a picture which would show that I did nothing here but eat. This is also true of sleeping, or any other form of activity in which I might participate. This is what I meant by "doctored"; that it was deliberately contrived to show something that was not true, and to create an impression which was not true.

Senator MUNDT. Well, the impression it conveyed to me was that this was a picture contrived to show that, No. 1, there was some violence on the picket line, and, No. 2, that the picket line was so construed or devised that a fellow who wanted to work couldn't get in. I didn't get the reaction that this is something that went around the clock 24 hours a day. I recognized that they didn't show the full strike all of the way through.

Mr. BURKHART. It wasn't intended to show anything good about us.

Senator MUNDT. I am sure that is correct; and that is why I suggested to Mr. Rauh that if he had any pictures to show any good things about the strike, we would be glad to see them. I am sure we would.

Mr. BURKHART. There were some.

Senator MUNDT. It is not your testimony that there was anything injected into this picture which did not actually take place? In other words, there wasn't a studio job done on it and stuck in?

Mr. BURKHART. No; I watched it, and I didn't detect anything of that nature, and it was merely that the things that were shown were put together in such a way as to create a false impression.

Senator MUNDT. What we looked at were some of the excesses, and these did not occur around the clock on every day on the picket line.

Mr. BURKHART. That is right.

Senator MUNDT. You also saw the pictures, I presume, of the shotgun blasts at the homes, and the paint bombs and things of that kind?

Mr. BURKHART. Yes; I did see those.

Senator MUNDT. Sitting in, as you did, at these meetings of the strike committee, and hearing the discussion on this rough stuff at people's homes, what was done by the union to stop that, by your group?

Mr. BURKHART. You mentioned the shotgun blast as one item, sir.

Senator MUNDT. To the home; yes.

Mr. BURKHART. Yes. I remember the time that happened. We were in bargaining with the company early in June, and for the first time we thought we had begun to see some movement on the part of the

company, and we were very hopeful. At that time we issued some press releases, that we were hopeful that maybe finally we could arrive at settlement of this thing and have the people go back to work again, even though the contract, obviously, would not be what we wanted.

One night, one afternoon, we were meeting in the Grant Hotel at that time, we had just broken up the meeting for the day, and I had a call, and a fellow said, "I am from the Sheboygan Press." He identified himself, but I don't remember the name. He said, "I am a reporter. Is there any truth in the rumor that the Kohler Co. is going to break off negotiations with you tomorrow morning?"

I said, "Not to my knowledge. It seems to me that we have made more progress in this particular period that we have at any time in the negotiations."

It was that night that someone fired the shotgun blast through the window of this fellow Curtiss. The following morning, the company came in and didn't even open their briefcases. They said, "This is it. We are not negotiating under such conditions as these," and they walked out.

These incidents which occurred were a source of great embarrassment to we people who were sitting at the bargaining table, striving with all sincerity to attempt to negotiate a contract with this company.

I don't know whether enemies of the labor movement did these things, whether these things were in some instances self-inflicted, whether they grew out of the 20 years of bad labor relations that permeated the whole atmosphere there in Sheboygan, or what caused it. I only know that we did our best to stop that sort of thing.

I am not a violent person, myself. I never have been in my life. But if there is one thing I am violently opposed to, it is this sort of thing. I don't know what my future will be, or where I am going to be, or whether I am going to be in charge of a situation such as this again, but if I can do any more in my position to stop this sort of thing, Senator, I assure you I will do it.

I have here a clipping from the Sheboygan Press, Thursday, July 1, where we offered a reward. We offered a reward for the apprehension of people who would do things of this sort. It seemed to me that this stuff intensified after the company offered indemnification to people. It seemed to me that this was almost an open invitation to people to inflict self-damage upon themselves.

For example, if your house was pretty shabby and needed a coat of paint, what would be easier than to splash it with paint and then say to the Kohler Co., "My house was splashed with paint last night. I need a new paint job now." There were hoaxes up there that were deliberately contrived.

I remember one involving a man by the name of Joyst, who it later was shown had fired a shotgun blast into his own barn and later blamed it on the union. This was proven up there.

I personally issued many statements. I went on the radio on at least 20 different occasions and spoke out vigorously against this sort of thing. If there was anything else I could have done—I issued press bulletins, I talked to the picket captains, I talked at mass meetings on this question. If there was anything more I could have done, I would have done it.

Senator MUNDT. I have some transcripts of your radio addresses that I am going to discuss with you tomorrow.

Mr. BURKHART. I do not have transcripts of them.

Senator MUNDT. They are transcripts of his radio talks. I know he was on the radio.

This purports to be a transcript, and I want to find out from you tomorrow whether or not you said what you said, and what it means or implies to me. Of course, I know nothing about who shot the shotguns.

An interesting hypothesis that can develop is that maybe Mr. Kohler took one of those shotguns out and shot the shotgun through an employee's window. I do not know. You have no evidence to support that other than the theory, have you?

Mr. BURKHART. I certainly wouldn't believe that myself.

Senator MUNDT. I was curious to know what the attitude of the union was in connection with these so-called home demonstrations, with acts of vandalism, and what you did to stop them.

You did mention that you offered a reward where people shot off shotguns in that particular case. What did you do about the home demonstrations?

Mr. BURKHART. Did you ask me a question, sir?

Senator MUNDT. Yes.

The CHAIRMAN. May the Chair interrupt?

I do not think it is possible to conclude with this witness this afternoon. I guess there are other questions from other members.

Senator GOLDWATER. Yes, sir; I have quite a few.

The CHAIRMAN. I thought before you opened up another subject and got started, we would come back tomorrow.

Senator MUNDT. The witness did not get the question anyhow, so we can start over fresh tomorrow.

The CHAIRMAN. Very well,

The committee will stand in recess until 10 o'clock tomorrow.

(Thereupon, at 4:55 p. m., the committee recessed, to reconvene at 10 a. m., Tuesday, March 4, 1958.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

TUESDAY, MARCH 4, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator John F. Kennedy, Democrat, Massachusetts; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Pat McNamara, Democrat, Michigan; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adleman, assistant chief counsel; John J. McGovern, assistant counsel; Margaret W. Duckett, assistant chief clerk.

The CHAIRMAN. The committee will come to order.

(Members of the committee present at the convening of the session were: Senators McClellan, Ives, Kennedy, Ervin, Goldwater, Mundt, and Curtis.)

The CHAIRMAN. Mr. Burkhardt, will you resume the witness stand, please.

Senator Mundt, I believe you were interrogating the witness when we adjourned yesterday.

TESTIMONY OF ROBERT BURKHART—Resumed

Senator MUNDT. I think there was an unanswered question on which we concluded the hearing last evening. Do you have a copy of the proceedings?

The CHAIRMAN. You were about to go into another phase of it, I think.

Senator MUNDT. The witness didn't get the question, and I have forgotten what the question was.

Mr. Burkhardt, I had asked you the question, which you didn't get. I said I was curious to know what the attitude of the union was in connection with the so-called home demonstrations involving acts of vandalism, and what you did to stop them.

You did mention that you offered a reward where people shot off shotguns in that particular case, in which you had developed the interesting hypothesis which you described yesterday.

What did you do about the home demonstrations? That was the question.

Mr. BURKHART. I have not had the advantage of seeing what the transcript says. I am just continuing from where I was yesterday.

Now that you reread the question, the question is vandalism connected with home demonstrations, and Senator, there was no vandalism connected with home demonstrations.

Senator MUNDT. Maybe we are using words which don't mean the same to each of us. I thought that the home demonstration involved an act of vandalism, and maybe these were separate incidents, and maybe a home demonstration was simply where people marched around the home and shouted "scab" at the fellow when he came back from work or something of that kind.

We discussed that, and so we don't need to go into that phase of it. I was interested now in the part where there were paint bombings, and pictures of paint on the rugs, where there were broken windows, and one young man came in and said he had been stoned when he was carrying six men to work. And there was a picture of the automobile where somebody had thrown a rock or a sharp hard instrument and shattered the glass.

There were acts of that kind, where there was property destruction. Apparently it was not against the company, but against the non-strikers.

Mr. BURKHART. Now you are interested in vandalism rather than the home demonstration at the moment.

Senator MUNDT. That is correct.

Mr. BURKHART. Our attitude was in complete opposition to any such tactics as those. But the thing that you have to remember, Senator, is that no one on the union side connected with the situation has ever been found guilty of any of these things.

What we did to stop it was to issue statements to the public press, statements in the strike bulletin, and we talked on the radio concerning these matters, and in each instance we took the position that when the perpetrators of these outrages were found, they would be found to be people unfriendly to the labor movement, people attempting to harm us in our collective bargaining.

We couldn't say that with any certainty of course because we didn't know. What we did know was that in the city of Sheboygan we had not made a situation, and we had inherited hatreds which went back over 20 years.

It would be impossible for us to know who would do these things, whether they were ancient grudges, or whether they were something which came out of this situation.

I tried to express to you yesterday that there was a possibility that some of these things were self-inflicted. They came to a peak immediately after the company offered indemnification of these people.

I believe I made quite clear, or I attempted to at least, what our position was on this matter.

Senator MUNDT. Now your testimony in general was that you did nothing to incite violence, and nothing to encourage violence, and you

could not be responsible for incidental examples of violence because nobody was pointed out who did it, and it was unable to determine whether it was done by your friends or your enemies.

Mr. BURKHART. Yes; that is correct.

Senator MUNDT. Of the 15 men who were imported into Wisconsin, or who came into Wisconsin or who are representatives of the international union in one way or another, would you identify those who were in charge of the rough stuff, those whose responsibility it was to do whatever roughing up had to be done on the picket lines, or elsewhere?

Mr. BURKHART. I couldn't do that, sir, because no one had any such responsibilities.

Senator MUNDT. Let us put it another way. Did any of them by their actions indicate that that was their assignment in Sheboygan?

Mr. BURKHART. No, sir; not to my knowledge.

Senator MUNDT. To your knowledge, none of these 15 were ever involved in any rough stuff?

Mr. BURKHART. I believe there were a couple of incidents, but they were certainly not directed by our organization.

Senator MUNDT. Well, would you name whatever international representatives were involved in incidents, then? Let us put it that way, to the best of your knowledge.

Mr. BURKHART. I——

Senator MUNDT. One of them went to jail, and one is a refugee from justice; so it isn't any great secret, but I thought we ought to have it in the record.

Mr. BURKHART. I know of these things, and I was not present when these things occurred.

Senator MUNDT. I am certainly not trying to involve you as being responsible for them as a man, Mr. Burkhardt. You don't look like a rough-stuff guy to me, and I don't think that you would engage in it, and I have no evidence or belief that you did, but we are trying to establish the record here.

You were the man in charge, subject to four people who outranked you; and so, as the man in charge subject to the four people who outranked you, I ask you the question as to which members of your team, despite your own individual desires not to have violence, did get involved in rough stuff to the extent at least that they were hauled into court?

Mr. BURKHART. Mr. Vinson was convicted of an incident, and paid the penalty for it.

Senator MUNDT. And——

Mr. BURKHART. Mr. Gunaca, I understand, at the present time, is under—I am not familiar with legal terms—under indictment, I believe the term is, in the State of Wisconsin.

(Witness conferred with his counsel.)

Senator MUNDT. Do you want to add something after your counsel talked to you?

Mr. BURKHART. Well, I was merely going to say that under our American system of jurisprudence a man is innocent until he is proven guilty.

Senator MUNDT. Our American system of jurisprudence, I think the counsel will advise you, also has a tactic called extradition; so

that, as long as you want to get into that, had Mr. Gunaca ever been extradited?

Mr. BURKHART. Not to my knowledge, sir. These proceedings have been taking place since I have been disconnected from the Sheboygan scene.

Senator MUNDT. Why has he not been extradited, and the effort has been made by the Wisconsin authorities many times and what happened?

Mr. BURKHART. I am not in a position to give you that answer, sir.

Mr. RAUGH. Senator Mundt, I handled that case; and, if you would be interested in the facts on it, I would be happy to state them.

Senator MUNDT. We are going to go into that in detail a little later, and I was just trying to establish this phase of the situation at this time.

Mr. Burkhardt, you talked yesterday about the fact you were on the radio. You referred to something that you had said.

Did the union have a regular program of broadcasts in Sheboygan during the strike or during part of the strike?

Mr. BURKHART. Yes; at one time. I don't know what the situation is now, but at one time we had a nightly radio program.

Senator MUNDT. Were you in charge of that?

Mr. BURKHART. Our publicity department handled that.

Senator MUNDT. Was that Mr. Wallich?

Mr. BURKHART. I believe it has been under the general direction of several people, and Mr. Wallich did handle it at one time.

Senator MUNDT. I have forgotten whether Mr. Wallich was a Detroit representative or whether he was a local man.

Mr. BURKHART. He was from Milwaukee.

Senator MUNDT. He was from Milwaukee?

Mr. BURKHART. Yes, sir.

Senator MUNDT. Working out of the Detroit office?

Mr. BURKHART. No; out of the Milwaukee office.

Senator MUNDT. Well, what relationship did the Milwaukee office have to Kohler?

Mr. BURKHART. The regional office is in Milwaukee, which covers the States of Wisconsin and your home State, incidentally, and several others.

Senator MUNDT. We don't have many strikes, and we don't want these strikes, and we are doing all right out in South Dakota at the moment.

Mr. BURKHART. You don't have as much industry up there, as I understand.

Senator MUNDT. What we have is doing pretty well, and we don't want it to get into any trouble with any strikes.

Mr. BURKHART. I hope you have none.

Senator MUNDT. Thank you.

Who financed these broadcasts, and was this a public-service broadcast on the part of the station?

Mr. BURKHART. No, sir; it was not.

Senator MUNDT. Was it financed by the Detroit international or by the strikers' funds?

Mr. BURKHART. I never got involved in the finances of the situation in any way, but it is my understanding that the money came from the

Detroit office, in the final analysis, and it might have come from the Milwaukee office, and I don't know.

Senator MUNDT. Well, both would be offices outside of the local union, at least, to put it that way, and it came from some outside union source other than the local union, I presume, and I understand the local union was relatively new and probably did not have any great amount of resources.

Mr. BURKHART. I don't know the technicalities of exactly how it was sponsored, but I don't believe that at that time the local union would have been in a financial position to have financed it.

Senator MUNDT. No, I would doubt that. I want to ask you a few questions about the broadcasts, Mr. Burkhardt, at least your part in them, because you told us yesterday that you did everything you could to discourage violence, and you said you are not a violent person, and I think that that is correct, except you said you were violently opposed to violence and you look like you are not a violent person.

But I want to read you these transcripts, and you are under oath, and so any time you want to say "I did not say it," I am willing to accept your word, and waive that question until such time as we play the tapes if you want us to play the tapes, and all I know is this is supposed to be a factual transcript of the tapes, and the tapes are available, and you have a right certainly to ask that they be played to correct some statement which might not appear properly in this transcript.

Mr. BURKHART. May I ask a question concerning the tapes?

I would like to know if these are the tapes which the company took of radio broadcasts and then transcribed.

Sneator MUNDT. I would not be able to tell you, and I don't know. All I know is that I have available tapes which are supposed to be the tapes of the broadcasts over station WHBL.

Mr. BURKHART. We do not have those. When you told me yesterday that you were going to ask me questions about them, inasmuch as I spoke on the radio on a number of occasions, I wanted to have the opportunity myself to hear them.

We do not have them available.

Senator MUNDT. As I say, as I ask you these questions, if something appears as a quotation from you which you under oath want to say "I did not say that," we will just jump over that question, and we will try to get the tapes played in the committee room, so we can find out then whether your version is correct or whether this is correct.

I am going to assume that this version is correct, except where you tell me that you did not say so, and I think that is fair enough. You did broadcast over WHBL?

Mr. BURKHART. Yes, sir.

Senator MUNDT. Was 6:30 p. m. the time that your broadcast came on?

Mr. BURKHART. I think that is right, immediately after the Rosary Hour, I remember.

Senator MUNDT. The affiant deposes not on that question. I hold in my hand what purports to be a transcription of a broadcast in which you spoke on May 9, 1954. You were in Sheboygan on May 9, 1954?

Mr. BURKHART. Yes, sir; I was there, and I was trying to place in my mind the events of that period.

Senator MUNDT. I will quote a paragraph. Mr. Burkhart, you were introduced on that occasion by another speaker who had gone ahead, to help you put this in its proper framework, as I understand it, this was a transcription that the union had played over station WHBL of the tape that they had taken at a union meeting, which was addressed by you. Was there such a program?

Mr. BURKHART. I spoke at a number of meetings, and on occasion my remarks at the meeting were transcribed. And I believe played back on the radio station, and I could not give you the complete answer.

Senator MUNDT. That is what this sounds to be, and so I am just trying to help you locate the place, and Frank Wallich began the program, and tells about the meeting that you had, and that you spoke, and that the Kohler family was there singing and so forth, and he said, "You will now hear by tape recording your Kohler family singing the favorite union song, Solidarity Forever, and immediately afterward you will hear the voice of Bob Burkhart reporting to the membership this afternoon on the negotiations last Friday."

That may help you get the framework.

Then you go ahead and say :

There have been thousands and thousands of photographs and Kenny Nitchie was taking some pictures at gate 1, and Kenny Nitchie saw a Kohler photographer taking pictures and had a little argument.

Then you go ahead and say :

Now we recognize as American citizens that the law is supposed to be for rich and poor alike, for high and low alike, employer and employee alike, but the Kohler Co. does not look upon the law as a written statement of what we consider justice in our society.

They look upon the law as a tool or as an instrument and in this particular instance they have done that again. They have used the WERB recommendation, and our voluntary compliance with it as merely a can opener to pry off the lid of our union solidarity in this strike, and to let in a few germs which would pollute that solidarity.

The type of germs that I saw go into the plant the other day, in my estimation, are not going to pollute the solidarity of our strike.

Was that your pet name for the strikers, Mr. Burkhart, to call them germs?

Mr. BURKHART. No, sir; this is not my pet name for them, and I would not say that I did not call them that on that particular occasion, and I know of no other occasion during the strike when I used that term, and so it could hardly be a pet word.

Senator MUNDT. Looking backward as a man of peace, don't you think that some other term might have been a little bit more conducive to good will and happy feeling in Sheboygan and the maintenance of peace than to talk about these people who were trying to support their families by going to work, different from you as to the way they should work, that is an American privilege, but don't you think that "germs" was a little harsh term to use and wouldn't you rather looking backward have said something else now?

Mr. BURKHART. Well, Senator Mundt, the term was an analogy, and I did not mean they were actually germs, but I was referring to the solidarity of the organization as a body in itself, and that these were people who were there to destroy that solidarity.

I might have said parasites, or I might have used some other term, and I don't know. When you are speaking in front of a mass meet-

ing you are carried away, and I don't speak from written text, and I never have. I try to speak from the cuff, and say what is in my mind.

(At this point, the following members were present: Senators McClellan, Mundt, Kennedy, Goldwater and Curtis.)

Senator MUNDT. Yes. I read your speech with interest. I used to have a little business in the speech field. I commend you on your phraseology. I don't like your choice of words very well, but I think you are a pretty good speaker.

I think you did quite a job on these fellows and spoke quite effectively. You have good synthesis, balance, and your speech goes some place. I like that in a speaker. But we get back to the use of the term "germs." I am sure you didn't intend to designate them as microbes. But that is a pretty harsh term for a man of peace to be using, trying to do two things at one time, keep the people with a feeling of solidarity, and keep them from being stirred up so that a hot-headed individual throws a stink bomb in a house or gets into some other altercation. I am wondering if looking back on it, seeing it in print, if speaking extemporaneously you couldn't have found a better term to describe the fellows who were trying to support their families.

Mr. BURKHART. I am sure you can understand the paradox of my situation at that time, that we did have a job of maintaining solidarity among our own people, and to show them that we were militantly supporting their point of view. Yet on the other hand, we did not urge them to any violence or any vandalism. You are taking one statement there out of context of a rather lengthy speech.

Senator MUNDT. I am coming to some more statements.

Mr. BURKHART. Probably so. It is also true that this is one statement that was made during the strike. Many statements were made.

I think it is difficult to take one sentence that a man said in a moment of heat and then divorce it entirely from many other things that were said, and the attitude, and the manner which it was said, and the associations which I had with the people in the community. I will tell you very frankly that it is difficult for me, with a background of working in a factory since I was 18 years old, to feel kindly toward people who walked through a picket line.

Senator MUNDT. Just as one good ordinary American to another, Mr. Burkhardt, can't you imagine that the other fellow had a little difficulty feeling kindly, too, if he was one of the two-thirds of the workers at Kohler who didn't vote to strike. He had been going along working at a place, and there was a vote to strike, a strike vote was held, and he was locked out of his job. His income was reduced. Don't you think maybe some of those fellows had some justification for thinking unkindly about what they thought these big city boys from Detroit were coming in and messing up things for them?

Mr. BURKHART. If they thought the big city boys from Detroit had come in and messed this up for them, they were not reflecting the overwhelming sentiment of the people in Sheboygan County at that time.

Senator MUNDT. I am talking about the hundred percent of the people that worked in the plant, only 33½ percent of whom had voted to strike, so that we don't know what the other fellows did. You

said they would have voted to strike if they had stayed there. Maybe that is true and maybe that is not true.

Mr. BURKHART. I didn't say that. I think some previous witness said that.

Senator MUNDT. I beg your pardon.

Well, that is a guess, and the guess may be right. But at least for the record, a third of the people who worked there voted to strike. The others either did not vote at all or voted against it.

So as a consequence, I am asking you as one American to another, and you say that some of these fellows on the picket line got to feeling pretty bitter. I can understand that. But I am wondering about the fellow who is locked out, who goes to work some morning, who had a good job, who had a place to live, a good income, the door is closed, and the picket lines are moving back and forth.

He tries to get in, but gets pushed back. He might get to feeling kind of bitter, too, especially after he turns on his radio after the Holy Rosary Hour and hears himself called a germ.

Mr. BURKHART. Senator, you have asked me at least a half dozen questions there.

Senator MUNDT. Pick out any one you want to answer.

Mr. BURKHART. I certainly would like the opportunity of debating this matter with you in front of some other forum at some other time. But I am here, of course, to answer questions. As one American to another, I intend to do so to the best of my ability.

To begin with, one of the fine things about democracy is that you cannot force anybody to vote. There are many people who disenfranchise themselves. I know that in our elections which we have, our parliamentary elections, many a man comes to Congress or to the Senate without the support of a majority of the people of his constituency.

Many people disenfranchise themselves. I don't know how in a democratic society we could say to people "You absolutely must vote." You simply cannot do that. The method that we attempt to use in our union—

Senator MUNDT. We are not quarreling about the fact that the vote was held, that a vote was cast in the majority. We are not arguing about that. A third of the people in the plant voted, and of those who voted, a vast majority voted to strike. I am just asking you the question whether you do not concede that while the man that voted to strike might have a sense of bitterness against the fellow who wanted to work, whether you didn't also feel that the man who wanted to work and did not vote to strike could have an equal sense of bitterness against the fellow who denies him his job.

That is the question.

Mr. BURKHART. Well, the answer to the question is that it would be foolish for me to sit here and say that—you don't want me to use the term "germ." I suppose you don't want me to use the term "scab," either, but it is common in trade-union movements.

Senator MUNDT. "Scab," I think, is a common accepted term.

Mr. BURKHART. It is in Webster's dictionary. But they do definitely have a bitterness toward other people. I would be amazed if they didn't have.

Senator MUNDT. I think that is quite understandable

(At this point, Senator Ervin entered the hearing room.)

Mr. BURKHART. I would like to point out that, while you say only one-third of the people voted to strike, that only one-thirty-third voted not to strike.

Senator MUNDT. I think that is right. A lot of people didn't get to vote at all. You told me you examined the badges and just about half of the people were eligible to vote at all.

Some of them that didn't belong to the union—whatever percentage that was, the figures speak for themselves—of course, they didn't get a chance to vote.

(At this point, Senator Ives entered the hearing room.)

Mr. BURKHART. I would like to point out that the Kohler situation is probably one of the outstanding examples in America that the open shop is not a panacea for trouble with labor-management relations, because here they had an open shop, and there has been trouble there from time immemorial, almost.

Senator MUNDT. They didn't have an open shop in the polling place, did they? You told me that they examined the union card and you had to be a union member to get in, I thought.

Mr. BURKHART. Certainly.

Senator MUNDT. There wasn't any open shop in the polling place. You are not trying to tell me that.

Mr. BURKHART. No. I am talking about the overall situation in Kohler, that the open shop was not a panacea there.

Senator MUNDT. I am sure the open shop is not a panacea anywhere. You have problems involved in all kinds of labor-management relations. Then you went on to say:

What hurt the negotiations? The thing that hurt the negotiations was that on Thursday a handful of people went into the plant. They were people who were too cowardly to try to enter the plant when we were conducting our picket line otherwise than what we have been.

What was the connotation of that sentence?

Mr. BURKHART. There, again, it is a sentence out of context of what went on either side of it.

Senator MUNDT. Your position was that the men who did not walk in the picket line were cowards, and that those who walked in the picket line were heroes? Is that correct?

Mr. BURKHART. I think there is something heroic about going on a picket line in front of the Kohler plant where people were murdered in 1934. I think it took real courage and nerve to do that.

Senator MUNDT. Nobody got shot at this time, did they?

Mr. BURKHART. I can tell you that on the morning of April 5 when I walked out there, when I left home that morning, I didn't know whether I was coming back or not, and I don't think anybody on that picket line knew whether they were coming back or not.

Senator MUNDT. That is true about all of us. I will grant that. The question was, Did anybody shoot at you in 1953 or 1954?

Mr. BURKHART. No. We had turned the white spotlight of publicity on the company preparations and there wasn't any shooting, thank God, in 1954.

Senator MUNDT. So the heroics were on the part of the men who fought the battle in 1934 rather than the men in 1954.

Mr. BURKHART. I think we build on their heroics.

Senator MUNDT. (reading):

Now the total of those people—

and you are talking about a few more people around Sheboygan who worked at Kohler and who didn't work at Kohler who came to the gates. This must have been a gathering during a truce period, when, apparently, your picket line wasn't wholly operative.

Now the total of these people is extremely small. It is a minute minority in comparison to the great mass of Kohler workers, but those are the people who are directly responsible for the failure of negotiations in the Grand Hotel; and those are the people that should have that stigma attached to them in this community for the rest of their lives—

that is a long time, by the way—

because they are the ones who are prolonging this strike, and anything that happens to those people will—and I am not saying this as any plea to violence against them in any sense of the word—but anything that happens to them as being accursed from now on out, if I can use such a term as that, certainly they have got to live with it. They have made their bed and they have got to lie in it.

Now, we know who they are. We have taken pictures of them. We have taken down the license plate numbers, we have made notes of what their names are, and just like anything else in life, every action has a reaction. You cannot do anything in this life but that something happens in consequence for your actions and those people should not go without those consequences.

As a man of peace, what do you denote by that?

Mr. BURKHART. I do remember those statements. There are, obviously, several thoughts contained there. One of these at the beginning—it slips my mind at the moment—I wonder if you could give me the first sentence of that again.

Senator MUNDT. Surely.

Mr. BURKHART. I am talking about where you started reading.

Senator MUNDT. "Now the total of people is extremely small."

Mr. BURKHART. Yes. That refreshes my memory. We had been in negotiations with the company during this so-called truce period, and the company came in and sat there and listened to us plead for a settlement of the situation. They made absolutely no movement whatsoever. Finally Mr. Conger told us in practically these words, that he was not interested in being there to bargain. He was interested in how many people were going to go into the plant the following Monday morning. So it was not only I that said that these people were detrimental to the negotiations, but in the mouth of Mr. Conger, in another context, of course, were the same words, that he was interested in how many people were going to go into the plant on Monday morning.

(At this point, Senator Curtis left the hearing room.)

Mr. BURKHART. To continue, when I was a senior in high school in Toledo, there was a strike at Toledo, at the Auto-Lite. Toledo was one of the birthplaces of industrial unionism, as you probably know. During that strike, a number of people went through the picket line. I knew very little about this, excepting what I read in the newspaper, being a high school boy at the time. But the stigma of going through the Auto-Lite picket line had lived with these people down through the years, and I knew that this was a consequence of such action. Not only was I talking to the strikers themselves, but I knew that my voice would eventually be heard by some of these people, and I wanted them not to do this thing, which would bring a stigma upon them. There were people, and you will probably hear from them later, on the very strike committee in this strike who, in 1934, had gone

through the picket line. They were scabs in 1934; they were strikers in 1954.

It took them a generation to learn the lesson of working together with their fellow men. I don't know what is going to happen now. I don't know what will happen in 1974. But I think it is distinctly possible that some of those people sitting back there in this room will be leaders of a new union movement at that time. I know the Kohler Co.

(At this point, Senator Ives withdrew from the hearing room.)

Senator MUNDT. Then you go on a couple of paragraphs later, and you say "in my home community"—is that Toledo, your home community, or Sheboygan?

Mr. BURKART. I graduated from high school in Toledo. I was on relief in Toledo. I was an NYA school policeman in Toledo. I would say if I had a hometown after these years, I would consider it Toledo.

Senator MUNDT. A little later—and I think this refers to your newer home in Sheboygan, because I notice the term "Sheybogan County,"

in my home community it isn't necessary to have a picket line around the plant, not 35 pickets, not 6 pickets. We usually station 1 or 2 guys out there and sometimes, as I said before on other occasions, we merely put a sign on the gate. I predict to you that the time is coming in Sheboygan County, after these people learn the lesson they have coming to them, that it will not longer be necessary for us to have large picket lines either. They will have learned their lesson and will have learned it well.

That, to me, was a kind of startling statement. I don't know just what you are threatening them with, or what you meant. If you have some good, plausible explanation, I would like to hear it. But when I read it I was kind of disturbed. It seems to me that this involved some kind of a threat or intimidation or something. You said, "These people will learn their lesson and learn it well."

Mr. BURKHART. I wanted to make it clear that there was a lesson to be learned, and the lesson that we have said again and again here was the lesson of social ostracism against people who do the type of things that these people were doing. There was no indication there, nor did I ever say at any time, that we wanted any physical violence against these people, or anything of that sort. But we did want the community to scorn these people. It certainly is not, in reality, necessary for me to say that. I wish these hearings could be conducted in the city of Sheboygan, so that it would not be a question of prepared witnesses sitting here and talking to you Senators. But some of the ordinary people of Sheboygan could come here and be able to talk. Then you will find what they actually think.

Senator MUNDT. On that point, this committee will be very happy to hear any witnesses you think should be brought in from Sheboygan. We are just looking for the facts. We are trying to get the information. If there are witnesses who have testimony to tell on either side, we will hear them. It isn't necessary for us to go to Sheboygan. They can come here if they want to be heard. We are calling in those that we think should be heard, but certainly you, as well as the nonstrikers, have a right to ask us to hear some witness who has some firsthand information to report.

(At this point, Senator Curtis entered the hearing room.)

Senator MUNDT. Now you go on and point out a little later that "The major portion of this job"—apparently as I gather it this speech must have been given at a time when you had a truce, and men were going into the plant for the while, and you had called off the truce, and negotiations had broken down, and you were going to reestablish the picket line, as I understand the context of this meeting.

The company has violated its agreement, you say, and they must face the consequences, and—

We will now go on, as far as I am concerned, and reestablish what we consider legal picketing under the law. The major portion of this job must fall on your shoulders—

talking to the workers.

Now what I mean by this is that you must use every means you can in talking to your neighbors, calling people on the phone that you know have gone into the plant—I don't care how many times you call them. You can use what language comes to your mind. I would advise you not to threaten or coerce anybody or anything like that, but I would say to you that you should use expressive language in asking these people to stay away from the plant.

I guess that is the paradox you were trying to work on, and you were doing a pretty job, of staying on both sides of the fence at that stage of the game. I think you were trying to get your idea across without exciting them to violence, as far as that phrase is concerned.

Now, we have given these people an opportunity to show if they are the majority. They have proved themselves to be an infinitesimal minority. They no longer can masquerade or parade in front of the Sheboygan public as any major section of the Kohler workers. Knowing that, as all of us know it at the present time, let's do everything we can to keep them away from the plant before they get to the picket line. As for the smaller number of them who would have even—

I think you left out a word—

as for the smaller number of them who would have even courage enough—and I hate to use a decent word like courage in this respect—to come to the picket line in spite of the fact that they know the picket lines will be fully manned, as for them, they are going to have to take their chances when they get there.

Just how was that going to avert a showdown of force on the picket line, when you announced on the radio and to your strike team at the meeting that those who had the courage—although you hated to use that word "courage," and that you didn't find a good synonym for it at the moment; so you stuck with it—that those who came to the picket line in spite of all the efforts to keep them at home, by the telephone calls, by the expressive language and so forth, in spite of the fact that they know the picket line will be fully manned, as for them they are going to have to take their chances when they get there.

What do you mean by that? They didn't have much chance of getting through the picket line. That couldn't have been what you meant.

Mr. BURKHART. Well, these people who came across the street—and in watching the movies I heard the company's narrator speaking at the time, pointing out that there were nonstrikers across the street, which was not a true statement, of course. There were many spectators gathered on the other side of the street.

Senator MUNDT. Why would spectators be walking up against the picket line just to get shoved around, if they didn't want to go to work?

Mr. BURKHART. I didn't say that. I said they were across the street.

Senator MUNDT. We saw some people coming across the street, and walking up to the picket line and getting jostled back. Is it your testimony that those people were not nonstrikers, but just spectators?

Mr. BURKHART. I think those people in the main were nonstrikers.

Senator MUNDT. I think what you are trying to tell me is that all of the people on the other side of the street were not nonstrikers, that there were some spectators and other people there, but you are not trying to tell me that the people that we saw marching across the street trying to get through the picket line were just nonworkers, and nonstrikers, just for a thrill.

Am I right?

Mr. BURKHART. There was a small handful of them that did come across the street on several occasions.

Senator MUNDT. Those are the ones I am concerned about, and not the spectators. Is that your explanation of what you had to mean when you are saying that "they are going to have to take their chances when they get there"?

Mr. BURKHART. The fact remains that no one has been hurt or injured on the picket line itself.

Senator MUNDT. Well, I don't know. This fellow that had stitches in his eye, somebody might say he was hurt. There might be a different definition of terms on that.

Mr. BURKHART. If you will recall, I told you about that incident yesterday. It did not occur on the picket line or when anybody came across the street.

Senator MUNDT. I remember the interesting hypothesis you developed, that here was a striker and nonstriker slugging it out with each other, but the strike had nothing to do with it, that they had a quarrel going back to when they were shooting marbles.

Mr. BURKHART. This is not a hypothesis. This was a case in court.

Senator MUNDT. Let me be sure I get that. Do you mean this particular altercation was tried out in court and that the court held that the strike situation was not involved in the fight?

Mr. BURKHART. I don't remember—

Senator MUNDT. If that is correct, that should be in the record. That will throw a different light on it. Is that what it is?

Mr. BURKHART. May I answer?

Senator MUNDT. Surely.

Mr. BURKHART. The altercation that occurred, occurred after I had on previous days stepped in between these 2 fellows, on 2 different occasions. They had been bitter enemies and had gone back for some years. When they did get into fight, my understanding of it was that the nonstriker swung and missed and the picket swung and didn't miss. The thing was tried. I think they both preferred charges against each other. It is dim in my memory now, just what the results were. We had been talking about people coming across the street to the picket line. This incident, if I had been on the scene at the time, I assure you that I would have been in between them again.

Senator MUNDT. You have the permission of the committee, as far as I am concerned, Mr. Burkhardt, to bolster your remarks by inserting at this point the findings of the court on this. I didn't know what

it was. I think this is not a debatable subject. If the court made a decision, we have to assume that the court was right. If you can put that in at this point, that is pertinent testimony, and that will eliminate for all time to come any further speculation as to whether the fellow got his eye hit.

Mr. BURKHART. He got his eye hit.

Senator MUNDT. Do you have that? Do you want to put that in, and firm it up in your memory so that you think that court record will be helpful to you?

I don't want you to put something in to refute your own statement. We could put that in from this side of the table.

Mr. BURKHART. I am not worried about it, Senator, one way or another. I really don't think it is a matter which is of great consideration here one way or another.

Senator MUNDT. At least let the record show that you have the opportunity to put the court record in at this point if you want to, so far as the findings of the court are concerned.

You see, what disturbs me, and you and I have both given enough speeches to know what the audience hears is not what the speaker says, and you are talking to people in a rather exciting situation, in an emotion-packed situation. I can see how you would get up and say, with your great oratorical prowess, that people who are going to go there are going to have to take their chances when you get there, with gestures, facial expressions and everything.

Some poor fellow on the picket line may misinterpret that.

He may say "I know what the boss meant from Detroit. If any fellow comes near me, he is going to get it."

Mr. BURKHART. I am not a boss man from Detroit.

Senator MUNDT. Well, a friendly neighbor, recently moved to Sheboygan. Whatever the position; a representative for men to move from the top. In other words, you were giving the speeches, and you were representing the international union and paid by the international union. So we will eliminate all descriptive language and confine it that way.

Mr. BURKHART. Senator, the descriptive language that I used at that time, I think, fades into insignificance when I recall some of the descriptive language that has been used against our union which Senators themselves have used.

Senator MUNDT. I don't know. At least I have never used any descriptive language against your union, but I have been the recipient of some very descriptive language by your union, if you want to get into that. One of these days I am also going to start talking. Up to now I have been playing baseball on the basis of catching. If you boys keep pitching long enough, we will throw this both ways. Up to now I have used no descriptive language on your union, on you, or your leaders.

Mr. BURKHART. In the heat of debate, I think that many things are said. You may call a man a worm or something like that. You don't mean that he actually is one. This is a descriptive term which comes to mind at the moment that you are speaking.

Senator MUNDT. And the man who uses these terms, uses them to create a feeling on the part of the audience. Of course, he doesn't expect to have the man disappear and come up a worm. But he is

trying to set up in the mind of the audience an attitude so that he is going to look with some greater contempt on the individual involved.

Mr. BURKHART. So when you take all of these things together, and then summarize them by saying that the men who go to the picket line are going to have to take their chances when they get there, I am not saying that you were trying to excite violence or anything. You look to me to be a peaceful man, and I think you are. But when you give it in that kind of environment, I can see easily enough how home demonstrations could stem from that kind of a statement. I could see how excesses could take place on the picket line. I agree with you, they apparently have been gratifyingly few in number. But I can see also how they lead to these more devastating crimes where murder is committed and a man went to jail for breaking a man's neck.

Simply because he had not been extradited from the State of Michigan does not erase the crime.

So some of these things get out of hand, not because of what you are saying, but because you create an atmosphere in an environment by making statements of that kind.

Senator, the environment and atmosphere was in Sheboygan long before the auto workers ever came to town, Senator. A moment ago we were talking of descriptive language. I think this is descriptive language that you were using. I am not a murderer.

Senator MUNDT. No, let's get the record straight. I am not accusing you, Mr. Burkhardt, in any way, shape, or form, on the basis of any evidence I have heard or seen, of having anything to do with the man who was murdered, who had his neck broken.

Mr. BURKHART. There was no murder in the situation in 1954, in 1934 there was.

Senator MUNDT. Well, the courts kind of disagree with you on the 1954 thing, and they seem to feel when you break a man's neck and he dies, that is murder.

Mr. BURKHART. I think you probably should have before you the coroner's report.

Senator MUNDT. That is not you, I am talking about the situation that is involved.

Mr. BURKHART. I did not want someone incited to strike me out in the hall, because it seems that things that you say may affect someone else.

Senator MUNDT. As far as this particular Senator knows, there are no allegations against you, to say nothing of murder, or either of violence. In your connection with fisticuffs, as far as I know on two different occasions, you tried to stop them.

Mr. RAUH. Mr. Chairman, I appeal to the chairman on this particular point. A shocking distortion has been made by Senator Mundt. There was no death resulting from this strike, and the suggestion put in this record is an evidence of bias on his part, and I appeal that we now have a chance to straighten out this very problem, instead of having to wait here while this unfair charge against a union which sought to keep the peace is rebutted.

The CHAIRMAN. Just a moment. A Senator, a member of the committee, has the right of course to his own views and to interrogate witnesses according to his own judgment with respect to questions

necessary to bring out the facts in which he is interested. As I understand the controversy now, Senator Mundt in his questioning has assumed that somebody died as a result of violence in this strike. Is that correct, Senator?

Senator MUNDT. Pardon me, Mr. Chairman, I was asking a question.

The CHAIRMAN. As I understood this matter, you have assumed that somebody died as a result of violence.

Senator MUNDT. Let me say, I am not talking of murder in the technical sense and I am not a lawyer, and I am talking about the case of the man who was feloniously assaulted and died. To this layman, that is getting pretty close to murder. I am talking about the case of Mr. Gunaca.

The CHAIRMAN. I think we can straighten it out.

Senator MUNDT. Maybe it isn't murder, but here is a man feloniously assaulted who died as a result of the assault.

Mr. RAUH. May I just say this, Mr. Chairman, that there are two cases. One is the case of Mr. Vinson. The man that Mr. Vinson allegedly assaulted will be a witness before this committee. He could hardly be dead. The other case is the case of Mr. Gunaca. He has not been tried but in his case the man who died, there is a death certificate.

It was a heart attack and not resulting from any assault. Your charges here against a clean union are a simple effort, it seems to me, to distort the record. I think if you are going to make that charge, we ought to have the witnesses that know the facts on those and not make them in interrogating Mr. Burkhart, whom you concede is a peaceful, peace-loving man.

Now I just think it is unfair to bring in these other cases, when we don't have a chance to answer them. There was no man who died as a result of any assault in 1954. The deaths occurred in 1934, when the Kohler Co. shot down the workers.

Senator MUNDT. It could not have been in 1934, because the man could scarcely have died of a heart attack in 1934 when he was not assaulted until 1954. Whatever killed him, whether the excitement of the assault caused him to have a heart attack, or whether he died from some other reason, I think we understand the terms, and I am talking about murder. And I am not talking about a murder charge, I am using a layman's phrase, and I am not trying to involve Mr. Burkhart, except to point out that I think these speeches of this type, in this emotionally packed environment, tend to excite people, to do things which they might not normally do.

Now I doubt very much, to be perfectly honest with you, that you either excited Mr. Gunaca, or Mr. Vinson, because they also were paid from national representatives who probably knew what they were doing, and I don't think that your speeches affected them one way or the other.

Now I come to another point.

The CHAIRMAN. Let the Chair make this observation: I am going to proceed with the witnesses as we have planned. The Chair has indulged the attorney to make a statement. I think with his statement, and with the questions that Senator Mundt has asked, the record is substantially clear as to what the situation is.

What further proof will show of wrong I don't know, but there was an assault, and that we all know, at one time out there.

Mr. RAUH. There is an indictment for assault, Mr. Chairman.

The CHAIRMAN. Let us say an indictment for assault, and in other words there is an assault charge. Later a man died. The man that was assaulted died, or whom the charge was made against. Whether he died from the effects of that violence, I am not prepared to say.

We may later show that one way or the other. But I think that the statements that have been made keep the record pretty clear and let us move on now with the rest of it.

Go into any other aspect of it or finish this.

Senator MUNDT. This is a concluding portion of your speech that same day:

You say—

Appearing in newspapers all over the United States now very shortly are going to be full page ads, paid for by this international union, explaining what the issues are in the Kohler strike, explaining the position of the working people here, and explaining the position of the company and their failure to negotiate. Now this is a faucet of this thing we have not turned on until now. We wanted to give this company every opportunity to settle this on a decent basis.

We are also going to arrange a meeting with the head of the plumber's union in Washington, D. C., the former Secretary of Labor, Martin F. Durkin [applause].

Some may say, why have you not done this before? Because we recognize that in telling these things all over the country, it is going to deal a body blow to the Kohler Co. At the same time customers that they lose to Crane and American Standard, and Briggs, and the others are going to be difficult for them to get back again.

The reason I read that, Mr. Burkhart, is to ask you this question: Were you in charge of, and I may not be using the term properly, and your illustrious counsel will give me the proper vocabulary I am sure if I don't—were you in charge of what I call the secondary boycott?

Were you in charge of the program conducted by the union to induce communities and corporations not to purchase Kohler material during the strike?

This would sound to me as sort of a kickoff to that campaign. I found it in your speech and maybe that is why I ask you the question.

Mr. BURKHART. In actuality, it was not the kickoff of our primary consumer boycott of Kohler products. We had on several occasions, you might say in a sense, threatened the company with this primary boycott. We were hopeful that they would recognize the fact that the trade union membership across the country is a large section of the consumers who ordinarily buy Kohler products.

And we were hopeful, or we were trying everything we possibly could to get this company to come to some sense at the bargaining table.

I did make that statement at that time. However, we did not turn on the boycott at that time, and I was not in charge of the boycott. The boycott started in the fall of 1955, I believe.

Senator MUNDT. This speech was in 1954.

Mr. BURKHART. At that time I was no longer on the scene in Sheboygan.

Senator MUNDT. This was just a sort of a forensic threat to the company, and not really the beginning of the boycott?

Mr. BURKHART. You see, it is difficult 4 years later in the context of 1958, to realize the situation. We had gone into this truce much against the wishes of a large section of the membership, and at the time that I made this speech I was one of the persons who advised

to the strike committee that we go into this truce thing, and we had a difficult job selling it to the membership.

Then when the whole thing failed, and it became apparent that the company was not going to bargain, the membership was very angry about this whole thing. I must admit to you that living so close to the situation, and living the situation in a sense, I was not completely immune from the feeling that existed in the community boycott, I should say, was not until the fall of 1955. at that time.

However, the remarks about the boycott and the starting of the boycott, I should say, was not until the fall of 1955.

Senator MUNDT. The reason I asked the question, I found this in your speech, and it is the first evidence that I had come across about the beginning of the boycott, and so I wanted to ask you under oath whether this was the beginning of it, and you say it was not.

No. 2, it was whether you were in charge of the boycott which you tell me you were not. Let me ask you this final question in that connection, because you are a poised and polished international representative of the CIO, and I value your counsel on this: Do you consider what I think you called a primary consumer boycott, is that the technical term now or official term?

Mr. BURKHARDT. Yes.

Senator MUNDT. Do you consider a primary consumer boycott which uses pressures on municipalities to boycott the products of a plant which has been struck, do you consider that to be a proper and appropriate labor practice?

Mr. BURKHARDT. You are asking me for my personal position on the matter?

Senator MUNDT. That is correct, and this is not necessarily in connection with the Kohler strike at all, because this committee is charged with trying to find answers to some pretty difficult problems, and for one thing we get a lot of complaints about this type of thing.

I am asking you now and you can take it out of framework of Kohler entirely if you want to, and I am asking you as Bob Burkhardt, a poised, and polish, and persuasive member of the CIO.

Mr. BURKHART. I appreciate your compliments, Senator.

Senator MUNDT. You surely may.

Mr. BURKHARDT. In the trade-union movement, and I think I can speak with some little authority on it, having been in it since the age of 18, in collective bargaining we are confronted with alternative. The methods you use to obtain to gain for workers in the plants what we feel is rightfully theirs, and what they feel is rightfully theirs, we are not bosses of these people, and we are representatives of these people. I feel more like an employee of the people in my home plant than I feel that they are any sort of employees of mine.

Maybe I am what you would call a trade-union idealist, and I have always tried to be. But when you get to a situation where there seems to be no way of achieving the objective, then you are always searching and seeking for ways.

I was reading in the newspaper last night and I am not sure whether it was you or one of the other Senators, made a statement to the effect that possibly out of this hearing would come a ban on what you call mass picketing. I am doubtful, in my own mind, in my experience in

the trade-union movement, whether such a thing would be any more successful than the Volstead Act was.

You must leave people alternatives. You cannot say to a large employer, in this case a millionaire, that "If you force your employees on strike, we will guarantee to you that every part of the minority, and this is minority rule in a sense, every part of the minority will be in to work, and they will be the nucleus, and then you can hire outside people to take their jobs, and the union will be broken and smashed, and what are the alternatives for the workers?"

It would seem to me that such a situation as that would lead to violence.

Now, to get back more closely to the point that you are talking about, the consumer boycott, this is another method that we attempt to use to gain the objectives of the workers in the plant. If you take that away from us, I can assure you that we are going to seek for something else.

Senator MUNDT. I certainly wouldn't object to Bob Burkhart, a labor leader, on the radio asking the fellow members of my union to discontinue buying product A because it was manufactured by company B, which was unfair to organized labor. That is certainly no different from a man walking in a clothing store, a union member, and buying a shirt, and he says, "Does it have a label on it?" and he wants to buy a shirt with a label on it. There is nothing wrong with that.

You didn't get to the question that I asked you, the part I was concerned about, was this: Do you consider it a fair, proper, and appropriate labor practice for labor unions to go to city commissioners and induce them to pass resolutions boycotting products made in a plant with which you happen to have a labor altercation?

To me, this impinges on the freedom of somebody else, and the freedom to win a strike, that you believe in, with some merit, and the freedom of the unions to utilize tools and devices to keep themselves more or less in balance with management, with its certain advantages.

It seems to me those freedoms have to end when they begin to impinge upon the freedoms of innocent people, who are not involved in the strike on either side, and who live in Bristol, Conn.

They are trying to build a schoolhouse, and if labor union comes into Bristol, Conn., and induces the mayor and city council to boycott certain products, maybe they wind up with no schoolhouse, and the kids have no school.

Now, just where do you feel that the freedom of a union to enjoy its victory ends and the freedom of the rest of the community begins? That is what I am trying to ask.

Mr. BURKHART. I would like to answer that question as I understand the question. The labor unions in America do not operate in a vacuum, and there are many other forces in the United States here which are also operating, including the Kohler Co., and the National Association of Manufacturers, and various chambers of commerce, and you, for example, are a Senator and a part of the highest legislative body in the country and people come to you and they will try to persuade you this way, to vote on a bill and try to persuade you that way to vote on a bill.

I don't know you too well, but I suppose on many occasions some of these people influence you in the final analysis and you do what you

figure is your own best judgment. But the facts probably have to be ascertained from other people and you can't be everywhere.

I think on the lower governmental level, these people who are in the city councils, are not faceless nonentities, and they evidently have been elected to their position because they have some leadership in their community.

If I go in and talk to them, and I haven't, but if I should go in to talk to them and try to convince them of the justice of our position, I am certain that as soon as this is found out, that Mr. Conger or Mr. Kohler are going to have somebody in there giving the other side of the story.

Now, this is a democratic deliberative body. They will make a decision for us or against us, and I would not want to take away from them that right, nor would I want to take away from the citizen the right to go and importune his Senator, or his city councilman, and his State legislator or whatever it might be.

To me, this is a democratic system. I don't pretend to be as smart as you are, and I don't think that I have had the experience that you have had in these matters, but it seems to me that the thing that we are doing is a fair sort of thing.

I would like to point out that much has been made of the UAW boycott against Kohler, but nothing has been made of the Kohler boycott against the UAW.

The night before last I had a call from Los Angeles, Calif. One of the organizers there called me. Last year we lost an election in a small plant there by 1 vote, 135 to 136. I stood in the room and watched the count and when the final ballot fell against the union, I was sick, because I thought we had that plant, and I thought we had won.

For the record, I will name it, H. C. Smith Oil Tool Co., in Compton, Calif.

We held our organizing committee together, and this time we had over 50 percent of his people in the plant signed up and we had a good organizing committee, and the boys had learned from the experience of last year.

I had a call, I was called out of town 2 weeks before the election took place, and I wanted to be there for the punch on the end of the organizing campaign, but I had to come here.

Eddy Madrykowski, our international representative in this company, who was in charge of the situation, called me, and he was almost in tears, and he said, "We lost the election. We got 92 votes, and the company got 216 votes." And I said, "What happened?" He said, "On the last day of the election, the company put out the whole Kohler package." And this Kohler package is all over the country, and every antilabor public relations firm that supplies employers with this material has this. It goes all over the country against the UAW.

And further than that, this company not only put out the Kohler Co.'s propaganda, but they said, "This is the very UAW which the Senate committee," I believe they called it the McClellan committee, "is now investigating."

I asked him to send me this material by airmail, so that I would have it here, and I would like to point out to you that this very investiga-

tion is being used by antilabor forces in America to try to deprive working people of their rights of collective bargaining

This is what is done. So it is not simply our boycott against the Kohler Co., which you might consider, but I think it is necessary that perhaps you should consider the boycott of some of these antilabor companies against the American trade-union movement.

Senator MUNDT. Well, I certainly don't pose as an authority on the subject of boycotts, and I have said that I see no great inequity of a labor union per se boycotting a product from a plant that it doesn't like because of its labor practices, and that would be a direct boycott, as I would understand it.

Now, I would see no great inequity for a management that doesn't like a UAW union of trying to boycott the union direct; that is, direct fighting, and you have got to have some kind of controversy and out of that you get compromise, and that is the way we operate this country.

But I am concerned about when you involve innocent school kids. In one case I understand that hospital patients of a hospital some place, who were waiting to get some plumbing or something else, were tied up in a boycott. It seems to me that when you use the great political authority of the union to induce a city commission to pass an ordinance, that you certainly are emphatically correct and eloquently accurate when you say that this is not opposition vacuum.

You are not operating in a vacuum under those circumstances. I note in your speech, and I haven't quarreled with what you said, you talked to your labor people here and they said, "Maybe this bad law on the books that the WERB or whatever it was in Wisconsin used, to finally invalidate our strike, maybe that's our fault, and we haven't been organized politically, and we haven't been active enough politically, and we haven't exercised our political influence. That is the way to make political decisions."

But you and I know that it wasn't just the arguments used on the city councilmen pro and con. It was the fact that the union in those areas is a strong political force.

I am just wondering whether, as a matter of equity, you, as a distinguished labor leader, feel this is an appropriate and proper method to employ in trying to win labor arguments in America and exercise the political force and influence of the labor union to induce city commissioners to pass ordinances boycotting products. And I am divorcing this from Kohler, and I am talking about standard operating procedure.

A lot of Americans, if you believe that, Mr. Burkhart, disagree with you, who are friends of the labor movement and who have no reason to be against it. I place myself in that category, because as you said, unfortunately we don't have many industries in South Dakota, and we don't have many labor unions in South Dakota.

I have every reason to look at this from an objective corner, although I do resent sometimes some of the snide remarks made by labor leaders against me. And while I, too, am a peaceful man, and a good-natured fellow, perhaps some day I am going to start fighting back against those who are fighting that way against me for a long time. But now it is not so.

MR. BURKHART. We would prefer to have you in our corner.

Senator MUNDT. I don't want to be in anybody's corner, and I want to stay out in a good old neutral corner, South Dakota, where we have neither the problems of management, where we have to have some people who can look at this objectively, and who recognize there are problems on both sides.

I have worked in the ranks of labor. I wasn't a union member because the plant wasn't organized, but I can appreciate the problems the laboring man has.

I didn't want you to discuss this for the record, because this is something on which at least we are going to be called to legislate, whether we can elicit the wisdom of Solomon and find the proper answer, and our answers I think should keep in balance the authority of labor and the authority of management. If either gets too strong, this is not good for America.

Senator GOLDWATER. I have a few questions relative to your testimony of yesterday. Yesterday you stated you joined the Socialist Workers Party in 1944. What were you doing between 1941 and 1944?

Mr. BURKHART. In 1941 I worked in a factory in Toledo, Ohio. In 1942 I became an international representative on the regional staff in northwestern Ohio. In 1943 I was back in the plant again.

Senator GOLDWATER. Did you retain your international representative status in 1943?

Mr. BURKHART. No, sir, I was back working on a machine in the shop.

Senator GOLDWATER. And in 1944 you joined the Socialist Workers Party?

Mr. BURKHART. Yes, sir.

Senator GOLDWATER. Yesterday, during your testimony, you said that you joined the Socialist Workers Party because you wanted to do something for the working or laboring man, and I forget just how you described him, and you also said because that party, you felt, could do something for this person.

You also stated that the depression had a lot to do with your joining the Socialist Workers Party.

One thing I would like to ask you right there is this: The depression wasn't on in 1944, so in view of that, did you really join the Socialist Workers Party because of the depression?

Mr. BURKHART. Well, Senator, I don't think that a man can divorce himself from his youth and his experiences in that period. I think the teen age and twenties are very formative stages in any man's life.

I can remember at that time some people would say I have done a lot of reading, and this is true, but much of that reading was done by a street light which shone in my bedroom window, because the electricity had been turned off in our house, the refrigerator had been taken out, and the stove had been taken out, and my father was on relief at that time.

Senator GOLDWATER. And you felt that the Socialist Workers Party offered an answer to further depressions?

Mr. BURKHART. I did, at that time.

Senator GOLDWATER. Now, in the other part of that answer, when you said that you joined because of your concern for the workingman, why didn't you join the Communist Party or the Socialist Party? They both professed great interest in the workingman.

Mr. BURKHART. Well, you are asking me to go back 14 years and examine my motivations in that period. I am not sure that I can. I was vigorously opposed to the Communist Party, and I couldn't tell you exactly why.

Their program in the trade-union movement always seemed to me to be dictated from elsewhere. I didn't think that there was any basis of democracy there, and I didn't want any part of it.

Senator GOLDWATER. Now, as you recall it, was there much democracy in the Socialist Workers Party?

Mr. BURKHART. I discovered after being in for a time that there wasn't.

Senator GOLDWATER. You discovered there wasn't?

Mr. BURKHART. Yes, sir.

Senator GOLDWATER. That it was controlled from the top like the Communist Party was?

Mr. BURKHART. Well, I would say that it was controlled from the top, but I didn't believe it was controlled by a foreign power.

Senator GOLDWATER. Now, are you familiar with the teachings of the Socialist Workers Party?

Mr. BURKHART. I am not a theoretician. I may be more of one now than I was in those days. I don't know exactly what you are talking about.

I would like to point out here also that yesterday I answered these questions just as openly as I possibly could, and I intend to continue to do so. But I don't want to be put in a position of now attempting to defend a philosophy which I evidently espoused at that time, but which I no longer espouse.

Senator GOLDWATER. I am not accusing you of that. I am just interested in this background, and I will bring out the reason shortly.

For the record, I would like to read from the congressional publication, "Guide to Subversive Organizations and Publications" prepared and released by the Committee on Un-American Activities of the House of Representatives, from page 80:

Socialist Workers Party: 1. Cited as subversive and Communist organization which seeks to alter the form of Government of the United States by unconstitutional means. 2. A dissident Communist group not affiliated with the Communist International, or officially recognized by either the Communist hierarchy in Moscow or the Communist Party in the United States of America.

Essentially, however, both the official and unofficial groups base themselves upon the teachings of Marx, Angles, and Lenin. The Social Workers Party are followers of Leon Trotsky, who was expelled from the Russian Communist Party. The official Communists are followers of Joseph Stalin.

Now, Mr. Burkhardt, the Socialist Party was essentially a Trotskyite organization, and did you understand that when you were a member of it?

Mr. BURKHART. The Socialist Party, you mean?

Senator GOLDWATER. The Socialist Workers Party.

Mr. BURKHART. Yes, I did.

Senator GOLDWATER. And did you understand the main distinction between the Socialist Workers Party and the Communist Party is the fact that the Socialist Workers Party advocated revolution at all costs, while during the war the Communist Party line was to go along with the United States because we were their allies, and we were the allies of Russia?

Mr. BURKHART. Well, as I understand it, the Communist Party flip-flopped back and forth on several occasions.

Senator GOLDWATER. It had flipped pretty prominently to be friendly to the United States because we were an ally of Russia at the time.

Mr. BURKHART. There was a time of pact between Stalin and Hitler when such was not the case.

Senator GOLDWATER. I will agree with you that the Communist Party flips all over the place, but at that particular time during the war it was pretty solid in its stand as being with the United States.

Did you understand when you joined this organization that you were joining an organization that was determined to overthrow the United States by violent revolution or any other means?

Mr. BURKHART. No, sir.

Senator GOLDWATER. Now, let me ask you this question: Is it not a fact that the Socialist Workers Party is the so-called intellectual elite of the Communists?

Mr. BURKHART. It is what, sir?

Senator GOLDWATER. The intellectual elite, those people who pride themselves on their militant stand on world revolution.

Mr. BURKHART. I had never heard that phrase before, Senator, and I don't know.

Senator GOLDWATER. After listening to you, I think that they probably are the intellectual elite.

Did you know, and I think you testified on this yesterday, that a number of members of this party had been convicted under the Smith Act as early as 1941?

Mr. BURKHART. Yes, sir; I did know that.

Senator GOLDWATER. Mr. Burkhardt, have you ever been known by any other name?

Mr. BURKHART. Yes.

Senator GOLDWATER. Was that name Robert Kendall?

Mr. BURKHART. That was a party name which I had in that period.

Senator GOLDWATER. Did you write for the magazine Militant?

Mr. BURKHART. I have discussed this with my counsel, of course, and I have been trying to remember. It is possible that I wrote an article or maybe two articles in that period. The one thing that I can remember is that the articles did not come out the way that I had anticipated they would.

Senator GOLDWATER. That was one of the publications of the Socialist Workers Party?

Mr. BURKHART. The Militant was the organ of the Socialist Workers Party at that time.

Senator GOLDWATER. Do you not think that not knowing what the Socialist Workers Party stood for and having this expressed interest in the workingman, that it was an irresponsible act to join an organization like that?

Mr. BURKHART. Well, Senator Goldwater, in another society and perhaps in a satellite country, when they have hearings people will get up and beat their breasts and say, "mea culpa," "I was to blame that I was this and that."

I don't think that this is a proper thing in our American society. I was a young man at the time, and I had the experiences of the depression, and I do not espouse those views at the present time. I don't see

why I should now have to be put in a position where I am attempting to defend something which was part of my feelings at that time.

They say in Roman mythology that Minerva sprung fully formed from the brow of Jupiter. I was not that fortunate and I came into this world naked and I had no political philosophy. I had to develop one and I had to develop one the hard way. It seems to me that this is the essence of democracy, this experimentation, this attempting to find things out and this making of mistakes.

I hope that we never drop a cloak of orthodoxy over our young people so they can't do things of that sort. I do not espouse those views today and I would not espouse them. But I only admit that I did in that period.

Senator GOLDWATER. Now, Mr. Burkhardt—

Senator ERVIN. If I may be permitted—

Senator GOLDWATER. Just a moment.

Senator ERVIN. I would like to say—

The CHAIRMAN. Does the Senator yield?

Senator GOLDWATER. It depends on what it is for.

Senator ERVIN. I want to make an observation.

Senator GOLDWATER. I am always glad to hear his observations.

Senator ERVIN. I think one of the finest things a person can adopt as a source of conduct or course of action is the capacity to say at sunset each day, "I am wiser today than I was yesterday."

Senator GOLDWATER. That is a very brilliant observation.

Now, Mr. Burkhardt, you have mentioned the fact time and again that you were a very young man when you did this. You mentioned the age of 18 years in one connection and I gathered that that might have been the period when you joined this party.

Mr. BURKHART. No, sir.

Senator GOLDWATER. I have not finished yet.

Yesterday you testified to your age and it would lead me to believe you were 28 years old when you joined this party and that you were 32 years old when you renounced your membership.

Now, you are not exactly a kid at 28. Do you still cling to your story that you were rather innocent in going into this organization and that you did not know what it stood for and that you felt that it might help the workingman so you wanted to go into it?

Mr. BURKHART. Well, "innocent" is your choice of words. I suppose that you can be innocent in one context, such as a political context, or uninformed in others. It is another matter in others.

Senator GOLDWATER. You were over 21.

Mr. BURKHART. You say 28, and I think that I was 27. I am not sure.

Senator GOLDWATER. You had been around by your own admissions. Now, you might have given these yesterday and I did not hear them. Could you give me some of the reasons that led you to leave the Socialist Workers Party?

Mr. BURKHART. I did, I believe, give some yesterday.

One was that I came to believe that this was not the method of solving the problems which had prompted me to go into the organization in the first place. I believe that I said that the solution to the problems of working people were in the framework of our constitutional form of government and the free enterprise system.

Further than that, I found that inasmuch as my aspirations had been, since going into the shop at the age of 18, to become a leader of some value to my fellow workers, I found that I wasn't accomplishing that at all and I had merely succeeded in isolating myself from them.

(At this point, the following members were present: Senators McClellan, Ervin, Mundt, Curtis, and Goldwater.)

Senator GOLDWATER. Were you exempted from the draft?

Mr. BURKHART. In the year 1941 or 1942—1942—as I recall it, there was an exception.

Senator GOLDWATER. Do you recall what it was based on?

Mr. BURKHART. Well, as I recall—I can't tell you for certain, Senator, but I know that at that time there was considerable racial tension in the city of Toledo, and this was one of the things that I was working on. I was also in charge of collective bargaining in several large plants there.

I suppose it is a matter of record.

Senator GOLDWATER. For participation in an essential industry?

Mr. BURKHART. This might have been prior to the time that I, for a short period of time, was an international representative. However, in 1943, I was called up, 1943—yes, I was called up—for examination, and rejected.

Senator GOLDWATER. For physical reasons?

Mr. BURKHART. Yes, sir.

Senator GOLDWATER. Mr. Burkhardt, yesterday you told us that the UAW-CIO had offered \$1,000 reward for the arrest of any person known to have committed an act of violence in the Kohler strike.

Mr. BURKHART. Yes, sir.

Senator GOLDWATER. Is that true?

Mr. BURKHART. May I have the privilege of reading you the clipping from the Sheboygan Press?

Senator GOLDWATER. Answer the question and then you can read it.

Mr. BURKHART. Yes.

Senator GOLDWATER. Let me put the question to you again, because you are under oath. Yesterday you stated that the UAW-CIO had offered \$1,000 reward for the arrest of any person who was known to have committed an act of vandalism during the Kohler strike. Answer that and read the clipping.

Mr. BURKHART. I answered it to the best of my recollection at that time, and it was my impression that such a reward had been offered.

Senator GOLDWATER. Wouldn't you have known about it, in your connection with the strike committee?

Mr. BURKHART. Yes, I would have at that time, when it was fresh in my memory.

Senator GOLDWATER. You have a pretty good memory. Did you offer that reward for the arrest of any person who was known to have committed an act of vandalism in the Kohler strike?

Mr. BURKHART. I have just—

Senator GOLDWATER. Just tell me yes or no, and then you can read the story.

Mr. BURKHART. That is what I said yesterday, Senator.

Senator GOLDWATER. Do you say it today?

Mr. BURKHART. I just glanced at this article, and I see it is for a specific incident. I am not sure—

Senator GOLDWATER. Go ahead and read the article, then.

Mr. BURKHART. The article is from the Sheboygan Press, dated Thursday, July 1, 1954. It says:

Rewards offered for information about vandalism. Rewards for information leading to the apprehension and conviction of persons responsible for vandalism in the Sheboygan area were offered today by both the union and the Kohler Co. Through Emil Mazey, International Secretary-Treasurer at Detroit, it was announced that the UAW-CIO union is offering \$1,000 for information that will lead to the arrest and conviction of the person responsible for the shotgun blast at the Harold J. Curtiss home Monday evening. The Kohler Co. offers a \$500 reward for information leading to the arrest and conviction of persons guilty of vandalism or malicious destruction of property of nonstriking employees of the Kohler Co.

Senator GOLDWATER. I wanted to clear that up. I did not want the record to show that your answer was not true when you said they had offered a reward for the arrest of any person who was known to have committed an act of vandalism during the strike, when the reward was offered for a specific case, and that, I believe, was the Curtiss case.

Mr. Burkhardt, are you familiar at all with the proletariat party of America?

Mr. BURKHART. The proletariat party of America?

Senator GOLDWATER. Yes. Did you ever come in contact with it?

Mr. BURKHART. It seems to me, Senator, that years ago I read some literature of theirs.

Senator GOLDWATER. Did you remember it as a Trotskyite organization, similar to the one that you belonged to at one time?

Mr. BURKHART. No, sir.

Senator GOLDWATER. Now, Mr. Burkhardt, do you know Richard Gosser?

Mr. BURKHART. Yes, I do.

Senator GOLDWATER. How well do you know him?

Mr. BURKHART. Well, I would consider that I know him rather well. He is vice president of the international union, and is my superior at the present time.

Senator GOLDWATER. Is he your direct superior at the present time?

Mr. BURKHART. Well, I guess there are a couple of administrative assistants between us, and departmental heads, but he is.

Senator GOLDWATER. I don't want to get into this in any great length at this time, but I just want to mention this to show another example of the violence that seems to permeate all levels of this union in making decisions. I am reading from the statements of a special Toledo investigating committee, Edward Kote, international executive board member, Michael Lacy, international executive board member, held on Thursday, June 1, 1950, in Toledo.

It was reported in here, and I will read it so it will not be quoted out of context, starting at a place that will not do that—

Balloons were purchased from an original supplier for \$35 for a Labor Day parade, yet a bill was received from the Colonial Hardware for that very same item in the amount of \$40. Randolph Grey questioned this bill and did not approve of paying it. Robert Burkhardt was told when he left the staff of Gosser, who was then regional director in 1943, "Burkhardt, I don't want to see your path and mine ever cross again because if I can't beat you up physically, I have people around me who can."

Then it goes on to say " 'Brother Burkhart will tell you that this is a true statement, and I believe Brother Schick can tell you he heard the same from Brother Burkhart.' "

Did Mr. Gosser ever say that to you?

Mr. BURKHART. Well, at the time that I left the staff in 1943, there was an angry exchange. I cannot remember at this date what the words were. I do know that whatever they were, they were never carried out.

Senator MUNDT. Will the Senator yield to me?

Senator GOLDWATER. Yes, I will be glad to yield.

Senator MUNDT. I have to leave for a radio program on another subject. I either have some good news or a bad disappointment for Mr. Rauh. I will get this on the record at this time. I am slowly but surely getting a legal education as a member of this committee, the hard way. Mr. Rauh addressed the Chair and said I had engaged in shocking distortions when I referred to a situation as a murder a while ago.

I want to call to your attention, Mr. Rauh, an item which I believe supports my point of view. This was sent me by the pastor of a very eminent Lutheran Church in the city of Detroit, Mich. It is an editorial from the February 28 issue of the Detroit Free Press. If you are right in saying this was a shocking distortion, this is the answer to a lawyer's prayer, because you and the UAW have never had a better libel case against a newspaper that can afford to pay a libel assessment in your life than this one.

If I am right, this is a disappointment to you because there is no dividend in suing because it will not stand the test of the court. I want to read this by eliminating one name, because it mentions a high political official. I don't want to get him dragged into this.

The editorial is from the Detroit Free Press, February 28, 1958, entitled "At the Kohler Hearing, Lots of Noise but No Headway."

The concluding paragraph—

Senator ERVIN. What was that? I didn't hear it.

Senator MUNDT. Lots of Noise, but No Headway.

Something more illuminating would result, possibly, if the committee would ask—

then comes the name of the high public official, whose name I will not mention—

to take the stand and explain why he has so consistently refused to extradite John Gunaca, a UAW official, who is wanted in Wisconsin in connection with and here comes your great opportunity, Mr. Rauh—

in connection with the fatal beating of a Kohler worker during the strike.

Unless my grassroots legal education is entirely in error, a fatal beating comes so close to murder that I don't think it would be a shocking distortion of the facts.

Mr. RAUH. You addressed that to me, so I presume I have the right to respond.

The CHAIRMAN. Since counsel has been addressed by the Senator, the counsel may reply.

Mr. RAUH. The Detroit Free Press is hardly a UAW house organ.

Senator MUNDT. That is why I suggest you sue them if your definition is right and mine is wrong.

Mr. RAUH. We are going to produce the death certificate right here. I asked if we have it now, but we will put it in after lunch.

The death certificate states the cause of death that occurred many months after the events, and we will answer this. In the second place, I don't know whether we would sue for this or not, or whether Mr. Gunaca will sue for this. I can assure the Senator, though, that if he will make an unprivileged charge of murder, we will sue him.

Senator MUNDT. I don't doubt that, because you have harassed a lot of people a lot smaller than I am. I don't doubt that a bit.

The CHAIRMAN. Are there any further questions?

Senator MUNDT. I ask that this editorial be placed in the record, Mr. Chairman, deleting the name of the high public official.

The CHAIRMAN. Without objection, it will be placed in the record. I don't think there is any use to delete the name. Everybody knows who you are talking about.

Senator MUNDT. Well, put him in if you want to, but I just suggested that.

The CHAIRMAN. All right, proceed.

(The document referred to follows:)

[From the Detroit Free Press of Friday, February 28, 1958]

AT THE KOHLER HEARING, LOTS OF NOISE BUT NO HEADWAY

The Senate's McClellan committee has opened hearings on the long-drawn-out Kohler strike for the presumed purpose of determining its cause, its effect, and attempting to establish some better pattern of labor-management relations so that such a bitter dispute would be less likely to occur in the future.

Those aims were not materially advanced by the verbal donnybrook in which UAW President Walter Reuther and Senator Barry Goldwater engaged.

Moreover, Mr. Reuther seems to have left himself open to criticism for having borrowed a Senate caucus room to hold a press conference at which he got off his blast at the Senator.

There are, we are certain, witnesses who can shed a good deal of light upon what happened at the Kohler plants in Wisconsin—people who were on the picket line, or barred from their jobs by the dispute. Neither Mr. Reuther nor Senator Goldwater qualify, we suspect, as firsthand witnesses. At least not to the extent of someone who was in the thick of the fray.

It's too bad then, that they took advantage of the hearing to convert it into personal and private soap boxes from which they could declaim their dislike of each other. Each has previously done that with the utmost eloquence, and the public is aware of the low esteem in which each holds the other.

Something more illuminating would result, possibly, if the committee would ask Governor Williams to take the stand and explain why he has so consistently refused to extradite John Gunaca, a UWA official, who is wanted in Wisconsin in connection with the fatal beating of a Kohler worker during the strike.

There are a good many citizens of Michigan, where Mr. Gunaca has been granted sanctuary by Governor Williams who would be as interested in an explanation as would members of the Senate committee.

Senator GOLDWATER. I thought I had gotten completely away from this interesting transcript of the Toledo investigating committee. There is one question I wanted to ask Mr. Burkhart, and I think it will have some bearing on future parts of this investigation.

Are you acquainted with the fund called the flower fund?

Mr. BURKHART. Yes, sir.

Senator GOLDWATER. Is that a fund that is confined only to this Toledo local 12?

(The witness conferred with his counsel.)

Senator GOLDWATER. Let me put it another way. It is mentioned in this Toledo local 12, a flower fund. Do you find it in other locals of the UAW?

Mr. BURKHART. In locals, sir.

Senator GOLDWATER. Yes.

(At this point, Senator Kennedy entered the hearing room.)

Mr. BURKHART. I don't know. I don't have a canvass of the locals of the UAW. I don't know of any.

Senator GOLDWATER. Is there a flower fund in the international?

Mr. BURKHART. I believe that among some of the international representatives there are.

Senator GOLDWATER. You were assistant to Mr. Gosser under local 12. Am I correct?

Mr. BURKHART. No, I was not.

Senator GOLDWATER. Do you know if these flower funds, like the one in local 12, are audited.

Mr. BURKHART. No, I don't know, sir.

Senator GOLDWATER. They are cash accounts?

Mr. BURKHART. Well, I can't give you that answer, because I know nothing about the bookkeeping.

Senator GOLDWATER. How would you contribute to the flower fund as an international representative?

Mr. BURKHART. Well, by a voluntary contribution which would be sent in.

Senator GOLDWATER. Was it deducted from your pay?

Mr. BURKHART. No, sir.

Senator GOLDWATER. Did you turn around and write a check out and give it to the local or the international for the flower fund?

Mr. BURKHART. No.

Senator GOLDWATER. If you wanted to contribute to it, how would you do it?

Mr. BURKHART. I would contribute by cash.

Senator GOLDWATER. Cash. Would you be allowed to contribute by check?

Mr. BURKHART. Well, I don't know.

Senator GOLDWATER. You have never tried it?

Mr. BURKHART. I have never tried that.

Senator GOLDWATER. We will get into that later. I thought you might know a little bit more about it than you evidently do.

Now, Mr. Chairman, this isn't as much in the nature of a question as it is a statement. We have been accused. I will say this editorial that has just been read charges this committee with lots of noise and not much progress.

I think that the committee is making progress. I think it is slow progress. I think it is going to continue to be slow progress. We are in a very, very difficult and intricate field. But it seems to me that we have begun to show patterns developing in this case, one of which is that violence is the cornerstone of strikes in this organization and in the CIO. It is also peculiar—and I do not say this in a manner in which it might sound, because I recognize that this organization, since 1950, has been ostensibly divorced from influence of the Communist Party in any way—that violence is also the cornerstone of the Communist Party and its front organizations. I recall that last year 11 members of the UAW-CIO appeared before the Senate Internal

Security Subcommittee, and one man submitted an affidavit. Of these 12, 4 men were international representatives of the UAW-CIO. The other 8 were all officers of varying degrees of importance. During the testimony, 7 of them, all local union officers, took the fifth amendment when asked about their Communist affiliations. The eighth local officer admitted having been a Communist from 1939 to 1940. Four international representatives all admitted having been Communists and two of them took the first amendment when asked about their associates in the party.

(At this point, Senator Mundt withdrew from the hearing room.)

Senator GOLDWATER. One of the four stated that he has disaffiliated himself from the party, but is an obvious fellow traveler.

It is beginning to appear that this witness, who was chosen by the leadership of the UAW-CIO under the provisions of their constitution to lead what has turned out to be one of the longest and one of the most expensive strikes in history, was a member of an organization solely dedicated to violence and revolution.

On February 27, Congressman Clare Hoffman put into the Congressional Record a list of strikes in which the CIO, and I emphasize here that there are none that I see mentioning the UAW, had participated in from the years 1937 to 1946, and from May of 1937 to December of 1941 the CIO participated in 13 strikes, during which 37 individuals were killed. From December 1941 to 1946 there were 5 strikes and 5 individuals killed.

We are talking about Kohler; we are going to get into other strikes.

In the summer of 1954, during the Kohler strike, the North American Aviation Co. at Columbus, Ohio, was subjected to a series of bombings by members of the UAW-CIO and the Columbus Dispatch of August 13, 1954, states "Eight sentenced for bombings in North American strike," and it brings out that those men were members of the UAW.

I think the Perfect Circle strike investigation that will come along will show more violence, and certainly before we are through with the Kohler strike we will see a great deal more of the violence.

Again I say it seems strange that violence, which was originally associated with the Communist Party and its fronts, is so closely associated with the strikes that we have been talking about and the strikes in which this organization is engaged.

So, Mr. Chairman, I think we are making progress. I think we are beginning to show the American people a pattern, and it is a pattern that I feel ultimately has to be described and circumscribed by law, so that we prevent this type of occurrence again on the picket lines of America.

I think in the writing of this legislation, we have to be extremely careful that we do nothing to the right of unions to strike, because I think it is one of their most precious and valuable tools, and we should see that it works better instead of the way it does.

The CHAIRMAN. The Chair will make his observation: When Senators express their views for the record, that is their privilege. But the fact that the Chair does not himself make any statement one way or the other is no indication that he necessarily subscribes to the views of other members.

If I do not subscribe to them, or if other members do not subscribe to them, that is their privilege. If I actually do subscribe to them,

I will frequently associate myself with them. In this instance, the Chair wishes to state that he has reached no decision. I do not believe this hearing has progressed sufficiently far so that I could arrive at a decision on some of these important matters. I have some tentative opinions, but I am going to hear the evidence all the way through. If there is anything to show that this union has any connection, directly or indirectly, with communism, and if we can get the testimony here, it will certainly be developed. But I myself am not going to charge anyone with being a Communist until we have some positive proof of it.

I know there is a lot of talk about this union, and a lot of talk about leaders in this union. There is a lot of talk about members of this committee. To tell you the truth, and speaking about criticism, I feel this would be a pretty sorry committee if it didn't get criticized. I think the emotions, the feelings about it, the tensions, are just such. When I started to serve on this committee—and I have had no reason to change my mind since—I didn't anticipate that I could do any kind of a job without invoking some criticism, and some of it may be constructive and may be deserved. But criticism or no criticism, so far as the Chair is concerned, this committee is going on. We are going to plow through and try to do the job that the Senate has given us to do.

Senator ERVIN. Mr. Chairman, may I make an observation? For the consolation of the Chair and the other members of the committee, there is something in the Scriptures which says "Woe unto thee when all men speak well of thee."

So I think the members of this committee are at least earning the blessing that is implied in that Scripture.

The CHAIRMAN. I am willing to receive any blessings there may be.

Senator KENNEDY. Mr. Chairman, the last sentence of Senator Goldwater's statement said—

Again, I say it would seem strange that violence originally associated with the Communist Party is so closely associated with the UAW-CIO.

The inference I would draw would suggest that the Communist Party has infiltrated with success into the UAW and, therefore, stimulates violence in the UAW.

So far in the Kohler strike, I have not seen evidence of this. I would prefer to judge the violence which we heard discussed on its own platform and not in context with a suggested inference that it was Communist controlled, directed, or inspired.

Senator GOLDWATER. Mr. Chairman, that the record might be straight, I think this was said before Senator Kennedy came, or perhaps when he was engaged in other conversation. I tried to make it clear that I recognized that this organization, I think in 1950, has cleaned out the Communists in their organization.

I don't charge that this is a Communist-infiltrated or Communist-dominated strike, or that the actions in the other strikes are. But they are the tactics that were employed by the Communists. I merely commented that it is a strange coincidence.

Senator KENNEDY. Mr. Chairman, my brother's name is Joe and Stalin's name is Joe. The coincidence may be strange but I don't draw any inference from it. I think in this case for the Senator to associate the two together as strange, I think if he believes that there

is a direct connection, I think it should be stated. Otherwise the inference is certainly suggested.

Senator GOLDWATER. I thought I made it perfectly clear in my previous statement that I don't suggest that there is a direct connection with the Communist Party. If the Senator objects to the word "strange," let's use the word "peculiar."

The CHAIRMAN. Are there any further questions?

Senator CURTIS. Mr. Chairman, I have some questions. I do not know whether you want me to go on or not.

The CHAIRMAN. The Chair usually tries to continue until about 12:30.

Mr. RAUH. Mr. Chairman, may I just at this point read a 6-line provision from the constitution of our union, which is really relevant to the discussion that has been going on, and I believe would settle it. May I be so permitted?

The CHAIRMAN. Is there objection?

Do we have copies of the constitution?

Senator GOLDWATER. What page is this on?

Mr. RAUH. I am using the 1957, sir. I see you have a green one, which is probably 1955.

Senator GOLDWATER. Nineteen hundred and fifty-five.

Mr. RAUH. It will probably be the same provision. Mine is in light type, which means it has not been changed. It is article X, section 8:

No member of any local union shall be eligible to hold any elective or appointive position in this international union or any local union in this international union if he is a member of, or subservient to, any political organization such as the Communists, Fascists, or Nazi organization, which owes its allegiance to any government other than the United States or Canada, directly or indirectly.

The reason for the Canadian reference is that we also have unions in Canada. Of course, in addition to this, we have the rule that no witness may take the fifth amendment.

The CHAIRMAN. All right.

Are there any further questions?

Senator CURTIS. May I ask you, in that connection, this question: That provision of your constitution relates to current membership in the Communist Party; does it not?

Mr. RAUH. Correct.

Senator CURTIS. Do you have a provision with reference to previous or past connection with the Communist Party in your constitution?

Mr. RAUH. No, and I would be most shocked if we did. It seems to me that what we require is present anticommunism. If somebody made a mistake, we don't penalize them, nor would I want us to penalize them.

Senator CURTIS. You have no provision for prohibiting them from holding office?

Mr. RAUH. If a man has been a member of anything whatever, if he has changed and come clean, we are glad to have him. We believe in the repentant-sinner doctrine, Senator.

Senator CURTIS. Mr. Chairman, I have a few questions to ask the witness.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mr. Burkhart, yesterday you volunteered this information:

Well, in a sense, sir, I was a member, a very close member of the church. I was looking for solutions in that field at one time. I was a Sunday-school teacher, and president of the Young People's Society.

Mr. Burkhart, when did you move to Sheboygan?

Mr. BURKHART. When did I move to Sheboygan?

Senator CURTIS. Yes.

Mr. BURKHART. In 1953.

Senator CURTIS. About when?

Mr. BURKHART. September of 1953.

Senator CURTIS. September of 1953. What is the name of the official paper of local 833?

Is it the Kohlarian?

Mr. BURKHART. It was the Kohlarian at that time.

Senator CURTIS. In the Kohlarian of September 24, 1953, on page 1, carried this statement:

Mr. and Mrs. Burkhart are already settled in an apartment in Sheboygan. That would refer to you, would it not?

Mr. BURKHART. I believe it would, sir.

Senator KENNEDY. Mr. Chairman, I would like to ask if it would be possible to find out exactly what connection the present line of interrogation has with the strike. That is, the Kohler strike.

Senator CURTIS. It goes to the credibility of the witness, and I believe it will so show.

The CHAIRMAN. The Chair can't determine at this point what questions are going to be asked or what relation they may have.

Proceed.

Senator CURTIS. I wonder what the objection of the Senator from Massachusetts is for me asking this witness when he moved into Sheboygan, the place where this strike was located that we are investigating.

Senator KENNEDY. I have already indicated I have an idea where I think the Senator is going, and I have already said that I did not think it had anything to do with the strike. But, continue.

The CHAIRMAN. Proceed with the questioning.

Senator CURTIS. In a subsequent issue of that paper, on November 12, 1953, there is an article and a picture concerning a woman's auxiliary to local 833. Was there such a woman's auxiliary?

Mr. BURKHART. Yes, sir; there was.

Senator CURTIS. And in it there is a picture of a Grace Burkhart. Is that the Grace Burkhart referred to in the previous issue that I referred to of September 24, 1953?

(The witness conferred with his counsel.)

Mr. BURKHART. Yes, sir.

Senator CURTIS. Now, as a matter of fact, she wasn't Mrs. Burkhart, was she?

(The witness conferred with his counsel.)

Mr. BURKHART. Senator—

Senator CURTIS. Answer the question yes or no. That is a simple question. Was she Mrs. Burkhart?

Mr. BURKHART. I would like to appeal to the chairman.

The CHAIRMAN. You may appeal to the Chair. What is it?

Mr. BURKHART. Mr. Chairman, this question relates to my relationship to the woman who is now my wife, and I would prefer that I would not have to answer this line of questioning.

I listened very carefully when you gave the reasons for the setting up of this hearing and this committee, and I am willing to testify about my activities in the Kohler strike. I am willing to testify about my previous political affiliations. I have tried to be a good witness here and I have tried to answer everything openly. But it seems to me that now the honor of my wife is involved here, and, sir, I appeal to you as a gentleman that we do not get into this particular line of questioning.

The Senator from Nebraska has prefaced his remarks by saying something about the church. He has taken that out of context from what I said yesterday.

Senator CURTIS. Just a minute. I haven't taken it out of context. I read it verbatim. What I am quoting here is not any scurrilous literature, but the paper of our own local.

I insist, Mr. Chairman, that the gentleman answer the question.

The CHAIRMAN. What is the question?

I don't think it has any particular relation to this, but if your purpose is to discredit the witness, if it goes to his credibility, if there is anything wrong—I don't think I know what it is all about.

You say the honor of your wife is at stake. Is that what you say?

Mr. BURKHART. Yes, sir.

Mr. RAUH. The lady in question, Mrs. Grace Burkhardt, is today Mr. Burkhardt's wife. The question put by Senator Curtis could have no possible relevance to the Kohler strike, it could have no relevance to anything except to smear Mr. Burkhardt and Mrs. Burkhardt. We appeal to a Senate committee not to allow its processes, its dignified processes, to be used in this fashion to hurt decent human beings.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis?

Senator CURTIS. I shall not press the matter farther, but I do not want the self-serving statement of the counsel to stand. It is not correct. It is not what I had in mind. It goes to the very credibility of this witness. I did not bring in any reports from antiunion sources. But here is the official of the union, and they carry in their paper what is purported to be a statement that he and his wife have moved into the community, living at a certain address. A picture is carried of the lady, and her name is given as Grace Burkhardt.

Her name was not Grace Burkhardt. She was not his wife. He had a wife living in Toledo, and two children there. Yet the deception carried to the workers and the good people of that community, was carried on by this gentleman and by the publication involved.

I do not have any desire to drag it out here. I think when you are speaking of the rights of people, that the two children born up in Toledo have a few rights, too. As a matter of fact, I will ask the gentleman one more question.

The CHAIRMAN. Let the Chair make a little comment.

Ordinarily we go to at least reasonable lengths in undertaking to discredit a witness, to challenge his credibility. Speaking for the Chair, I do not believe that it is necessary to go into a man's family

affairs and his domestic relations. I doubt the wisdom of this committee's getting off on that track.

I appeal to my colleagues on the committee. There are the eyes of the American people on this committee, and the prestige and dignity of the United States Senate are involved in these proceedings. Whenever we want to question a witness about crimes he has committed, and so forth, I think it quite proper to do so, to reflect upon his credibility. I know there are things that happen in family life that happen between man and wife, their relations, that are sacred. I doubt the wisdom of airing it in public unless it has some direct relation to something that is in issue here before this committee.

That is the way I feel about it.

Senator CURTIS. Now, Mr. Chairman, I shall bow to the Chairman's ruling, but I want to remind the Chair and state on the record that that is not the procedure that has been followed here; that the chief counsel did proceed to put such evidence into the record, not even by direct testimony, but by reading into the record and questioning certain things in reference to other unions. I can cite one: The Bakers Union, with Mr. Cross.

The CHAIRMAN. Let me point out to the Senator in that instance, the Bakers Union funds were being used to support the woman. That was the proof. That is quite different.

Senator CURTIS. I insist that union funds were used to carry this publication, that their man had come to town and was living there with Mrs. Burkhart.

The CHAIRMAN. All right. The Chair has stated his position. If the Senator wants to proceed with it, he may do so.

Senator CURTIS. No, I shall bow to the wishes of the Chair, but I point out it is not the rule that has been followed in reference to other unions.

The CHAIRMAN. As far as I am concerned, this union is going to get the same treatment as others. If you have any doubt about it, proceed with the questioning, and I will let you take the responsibility for it.

Senator CURTIS. No, I shall not. But I think it goes directly to the credibility of this man's statements and his reliability as a witness.

The CHAIRMAN. Can we proceed?

Are there any further questions? If not, the Chair wishes to ask a question or two.

Mr. Burkhart, I want to get back to what I think is a very important matter in connection with your testimony. If I recall correctly, and I have not read the transcript, on yesterday you testified that the international—this is the impression I got from your testimony—you testified that the international union had no responsibility for the mass picketing that occurred at this plant. Is that correct?

Mr. BURKHART. The picketing was carried on under the jurisdiction of the local union strike committee.

The CHAIRMAN. I understand it is carried on under the jurisdiction of the local committee. That is true; is it not?

Mr. BURKHART. Yes, sir.

The CHAIRMAN. And the local committee is under the jurisdiction of the international; is it not?

Mr. BURKHART. Yes, sir.

The CHAIRMAN. That is correct; is it not?

Mr. BURKHART. Yes, sir.

The CHAIRMAN. There is no doubt in your mind; in fact, you know as an international representative of the union, and as one who was reporting to higher officials of the international on the progress of the strike and so forth, that the international union knew and had full knowledge of the fact that mass picketing was going on, did it not?

Mr. BURKHART. They had full knowledge of the nature of the picketing; yes, sir.

The CHAIRMAN. They had full knowledge of it. And they did nothing to stop it until a court order or a board ruling was made, a desist order?

Mr. BURKHART. We did not attempt to order the opening of the lines, that is correct, until the injunction was obtained.

The CHAIRMAN. So you cannot say, it cannot be said, if the mass picketing was wrong, that the international union has no responsibility for it?

Mr. BURKHART. I would be inclined to agree with you, sir.

The CHAIRMAN. You agree with me; do you not.

Mr. BURKHART. Yes.

The CHAIRMAN. That is all I had.

Senator ERVIN.

Senator ERVIN. As I understand you, your previous testimony, you would agree with me on these three things: that the mass picketing was resorted to, first, to show the nonstrikers that a very substantial number of the employees of the Kohler Co. were supporting the strike; second, to show the Kohler Co. that a very substantial number of the employees of the Kohler Co. were supporting the strike; and, third, to prevent employees of the Kohler Co. who might desire to get into the plant to work, to prevent them from doing so. Is that not so?

Mr. BURKHART. We did not want—the answer to the first two is certainly yes.

On the last one, we did not want, the local union nor us, neither of us, any of these people to go into the plant.

Senator ERVIN. That is right. In other words, one of the ways for a strike to be effective is to curtail the production of the employer; is that not so?

Mr. BURKHART. Yes, sir.

Senator ERVIN. And the most efficacious way of curtailing the production of the employer is to prevent the employees who are desirous of working from doing so; is that not so?

Mr. BURKHART. Well, we wanted to withhold all production from the company; that is true.

Senator ERVIN. Now, as a matter of fact, where you have mass picketing as a means of preventing entrance into the plant by those who desire to work, you ordinarily have less violent acts, that is, of a serious nature, then where you do not have mass picketing; is that not so?

Mr. BURKHART. Well, I would say, sir, that where there are large numbers of people on the picket line, that there is less likelihood of any serious clash occurring.

Senator ERVIN. In other words, the mere presence of numerous pickets deters persons who may desire to enter from attempting to do so, because they see that they do not have the necessary force to go through a mass picket line; is that not so?

Mr. BURKHART. Yes, sir.

Senator ERVIN. And while it is a method to prevent ingress to the plant, it is a method which is likely to prevent ingress by less violence, that is, less substantial injury, than the other method?

Mr. BURKHART. Correct.

Senator ERVIN. In other words, it is a form of force, but the effect of this form of force is, as far as its serious impact, physical impact, on individuals, it is likely to be less than where here is no mass picketing, where great tensions have been stirred up?

Mr. BURKHART. This is what we were hopeful of.

Senator ERVIN. As a matter of fact, strikes are a form of industrial warfare in which you have, as in this particular case, you have management, which is composed of human beings, the nonstrikers, who desire to continue work, who are human beings, and the strikers who were attempting to curtail production, who are also human beings, where the tensions of these persons in all groups is built up; is that not true?

Mr. BURKHART. Yes, sir. The strike is significant of the breakdown of the collective-bargaining relationship.

Senator ERVIN. And wherever you have a strike of that character, you are likely to have sporadic cases of violence, despite all efforts that may be exerted by everybody, the peace officers, the union, the management, and everybody else to prevent them, is that not true, in mass picketing?

Mr. BURKHART. Yes, sir.

Senator ERVIN. And all of this tends to show that in the ultimate analysis it is always desirable for reasonable men to sit down around a council table and see if they cannot resolve controversies of that nature in a reasonable manner to the advantage of all parties; is that not true?

Mr. BURKHART. I wish that that were still possible in this situation, Mr. Senator.

Senator ERVIN. As a matter of fact, Mr. Burkhardt, in the final analysis, are not the real interests of management, stockholders, and employees the same?

Mr. BURKHART. And the consuming public.

Senator ERVIN. And the consuming public.

The CHAIRMAN. Are there any further questions?

Senator Kennedy.

Senator KENNEDY. Mr. Burkhardt, I did not hear all of the questioning of you, but have you expressed your opinion on the mass picketing?

It seems to me picketing is to give information, and mass picketing is an abuse of it, no matter what the arguments involved in the dispute may be. Do you feel that, or what do you feel about it, having seen it operate?

Mr. BURKHART. Senator Kennedy, I did speak on that a few moments ago. I will not recap it entirely, but I think that the basic thing that I tried to say was that if you take away the right of a union to conduct a primary boycott, if you take away the right of workers to picket in large groups, then you must provide for them some alternative for the solution of their problems.

I know that you gentlemen are going to be considering this matter very carefully. I think that when the time comes that you do speak of legislation, that you must think what happens to the workers.

I said a while ago that I was fearful that if you bottled the workers up entirely as far as their attempts to win gains at the collective-bargaining table, that your legislation might not be any more beneficial than the Volstead Act was. There has to be a way to go, is what I am trying to say.

When a company takes the attitude that the people be damned, then where do you go from there?

If they say at the collective bargaining table, "This is our position, and we are not moving from it. You can do what you want to"; when you recognize that that position would smash your union, we have to have someplace to go. I don't consider myself smart enough to know what it would be.

Senator KENNEDY. We might have to redefine what really is collective bargaining and what merely sitting at the table and refusing to negotiate is. That definition may have to be redefined.

But, on the other hand, it does not seem to me there is any defense of mass picketing. That is merely attempting to enforce your rights and denying rights to others. While I know it causes great distress to see workers cross the line, and, therefore, break down the force of the strike, I do not see any justification for a minority or even a majority to place themselves in such a position that others cannot do what they desire to do.

I think if this hearing has any advantage, I am hopeful that that position can be clarified. As I say, we may have to redefine the definition of what is collective bargaining.

Mr. BURKHART. This is one reason that we were particularly interested in attempting to get an arbitration clause in the Kohler contract.

Senator KENNEDY. Thank you, Mr. Chairman.

Senator ERVIN. Mr. Chairman, I have a question on this point.

I agree with Senator Kennedy in the observation that mass picketing, which is a species of force, is illegal. I believe you concede there was mass picketing from April 4 until the time of the issuance of the order by the Wisconsin Employment Relations Board.

Mr. BURKHART. Yes, sir.

Senator ERVIN. I have not read the order of the Wisconsin board, but I infer from what was said here that the board issued an order requiring the union to restrict the number of pickets; is that correct?

Mr. BURKHART. I am sorry, Senator.

Senator ERVIN. I say I have never read the order of the Wisconsin board, but I infer from the testimony that has been given here that the board order required the union to restrict the number of the pickets?

Mr. BURKHART. Yes, sir, and along with that, they sent a memorandum which condemned the company very severely, saying it was fantastic that in this day and age a company would go into this arsenal, and things of that sort.

I wish you would read the order and the accompanying memorandums.

Senator ERVIN. After the order was issued, did the union comply with it; that is, with reference to reducing the number of pickets?

Mr. BURKHART. We were having a conflict at that time. I know Senator Ives said something about the Taft-Hartley Act early in the hearings. It was the union's position that the Taft-Hartley Act pre-

empted the field. But when the WERB order was backed up by a court injunction, then we obeyed the court injunction.

Senator ERVIN. And the court injunction, did that restrict the number of pickets?

Mr. BURKHART. Yes, sir.

Senator ERVIN. I am of the opinion that mass picketing is also in common law and assault, not necessarily battery, a simple assault in common law States, where a person is prevented from going where he desires to go and has a right to go.

I am frank to state that in the present state of our law, under the preemption doctrine, I do not know exactly to what extent the Taft-Hartley law, as now held by the courts, goes to preclude State action. The more I read these decisions, the more confused I become on that subject.

Mr. RAUH. That is pending, Senator Ervin, in the Supreme Court now, in the Russell case, that very question of the right of State action under common law action as against the Taft-Hartley.

Senator ERVIN. I just made that observation because what I had learned in times past may no longer be sound.

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Mr. Burkhardt, one last clearing up.

Senator Ervin asked you if when the board order came down, did you order your pickets to stop, and I do not believe you answered.

Mr. BURKHART. I did answer.

There was a mass meeting held of the Kohler strikers. I think it was on the 7th of May. We then entered into this WERB trust period that I believe you heard mentioned. Then, on the refusal of the company to bargain collectively with us, another meeting was called of the local union membership on Sunday.

On Monday, the original form of picketing was resorted to, and then an injunction was handed down against the union. At that point the local union obeyed the injunction.

Senator GOLDWATER. Just to keep the record perfectly clear on that point, and for Senator Ervin's and all of our information, I want to read from the Daily Labor Reporter on the trial examiner's report on this particular incident. I quote from page 20 of that publication:

In the meantime, WERB proceeded with its hearings, and on May 21 it issued its order directing the union to cease and desist from certain specified conduct, including obstruction or interference with ingress or egress from the plant, hindering or preventing by mass picketing, threats, intimidation, or coercion of any kind, the pursuit of work or employment by persons desirous thereof, the intimidation of the families of such persons, and the picketing of their domiciles.

Then in the next paragraph:

The union informed its membership that the order was not enforceable and would not change the picketing in any way.

That is all I have.

Senator ERVIN. I might state in this connection, to keep the record straight, as a member of the North Carolina Supreme Court, I always took the position that the State had a right to restrain violence, and its laws were not superseded. But I do not know what the Supreme Court of the United States will do. I must confess that it and myself are not always entirely in agreement.

The CHAIRMAN. Is there anything further?

Is there anything further from this witness?

The committee will stand in recess until 2 o'clock.

(Members present at the taking of the recess were: Senators McClellan, Ervin, Kennedy, Goldwater, and Curtis.)

(Whereupon, at 12:30 p. m., the committee recessed, to reconvene at 2 p. m., same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were Senators McClellan, Goldwater, and Curtis.)

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. John Elsesser.

Mr. RAUH. Mr. Chairman, may Mr. Burkhardt be excused, sir?

The CHAIRMAN. Does anyone think that they will need Mr. Burkhardt any further?

Thank you very much. You may be excused.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ELSESSER. I do.

TESTIMONY OF JOHN ELSESSER

The CHAIRMAN. State your name and your place of residence, and your business or occupation.

Mr. ELSESSER. My name is John Elsesser. I live at 1420 Anniecourt, Sheboygan, Wis. I work at the Kohler Co., in the iron foundry.

The CHAIRMAN. You waive the right to counsel, do you, Mr. Elsesser?

Mr. ELSESSER. Yes, sir.

The CHAIRMAN. All right, Mr. Kennedy, proceed.

Mr. KENNEDY. How long were you working at the Kohler Co.?

Mr. ELSESSER. Continuously, or accumulated time?

Mr. KENNEDY. Well, prior to the strike.

Mr. ELSESSER. I have been working there since February of 1950.

Mr. KENNEDY. And you are working in the foundry department?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. Now, you did not join the UAW?

Mr. ELSESSER. No, sir.

Mr. KENNEDY. And when they went out on strike, you did not support the strike?

Mr. ELSESSER. I did not support the strike.

Mr. KENNEDY. When the picketing, the mass picketing ended, you came back to work?

Mr. ELSESSER. I did.

Mr. KENNEDY. And you continued working in the foundry department?

Mr. ELSESSER. I did.

Mr. KENNEDY. Now, during that period of time when you came back to work, did you receive telephone calls?

Mr. ELSESSER. Will you repeat the question?

Mr. KENNEDY. After you came back to work, did you receive telephone calls?

Mr. ELSESSER. Yes, sir, I did.

Mr. KENNEDY. What kind of telephone calls did you get?

Mr. ELSESSER. Just regular ordinary telephone calls, and they called me scab and dirty names, and things like that.

Mr. KENNEDY. Were they continuous? Did you get a lot of them?

Mr. ELSESSER. Intermittent, day in and day out, and in the course of the evening, 11 o'clock or 3 o'clock in the morning, just so I would be awake most of the evening.

Mr. KENNEDY. Were they threatening telephone calls?

Mr. ELSESSER. Not threatening.

Mr. KENNEDY. Just calling you names?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. Now, on March 26, 1955, had you planned to go out to a movie?

Mr. ELSESSER. I did.

Mr. KENNEDY. Did you go out to your car?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. And you attempted to start your car?

Mr. ELSESSER. I did.

Mr. KENNEDY. And did you notice there was something wrong?

Mr. ELSESSER. It wouldn't start.

Mr. KENNEDY. So what did you do?

Mr. ELSESSER. So my wife got out of the car and she went into the house, and I believe it was for a flashlight, if my memory serves me right, and in the meantime the car started.

So I pulled the car ahead to the picket fence so my wife could get in better and she was out and as she was going to get in the door there was an explosion in the rear end of the car.

Mr. KENNEDY. In the rear of the car?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. Where was she at the time?

Mr. ELSESSER. I believe she was on the side of the door, ready to open the door.

Mr. KENNEDY. And you were in the car?

Mr. ELSESSER. I was in the car.

Mr. KENNEDY. What happened?

Mr. ELSESSER. Well, the explosion occurred and she held her ears, and she screamed, and I thought there was something under the hood, and I couldn't tell from where the sound was coming from, and she screamed and held her ears and she said, "I have a broken eardrum" and I imagine she had a pain in the ear.

We called the police and they came over to investigate and found several fuses in the rear.

Mr. KENNEDY. Several fuses?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. Did they determine what had caused the explosion?

Mr. ELSESSER. They determined it was dynamite.

Mr. KENNEDY. It was dynamite in the rear of the car?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. And how had it gone off? Had it been a fuse?

Mr. ELSESSER. They found fuses right in there.

Mr. KENNEDY. So the dynamite, if you hadn't moved the car forward, would have gone off right underneath the car?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. Was the car completely wrecked?

Mr. ELSESSER. The car was not damaged one bit. It landed behind the car, and I had pulled the car forward so my wife could get in better.

Mr. KENNEDY. So the car was not damaged?

Mr. ELSESSER. No, sir.

Mr. KENNEDY. But your wife suffered a broken eardrum?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. Has that affected her hearing now?

Mr. ELSESSER. I don't know whether it affects her hearing but she still complains of pain in the ear.

Mr. KENNEDY. You don't know whether it has affected her hearing or not?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. Did you go to the doctor?

Mr. ELSESSER. She had treatments taken.

Mr. KENNEDY. How long did those treatments continue.

Mr. ELSESSER. She paid two or three visits and I don't remember how many times she went there.

Mr. KENNEDY. You reported that to the police at that time?

Mr. ELSESSER. I did.

Mr. KENNEDY. They came up and made an investigation?

Mr. ELSESSER. What investigation? I don't know.

Mr. KENNEDY. Did they make an investigation?

Mr. ELSESSER. They investigated, the police did.

Mr. KENNEDY. Was it ever determined as to who was responsible for the dynamiting?

Mr. ELSESSER. I don't know.

Mr. KENNEDY. Now, on March 27, did you find that five windows of your home had been busted?

Mr. ELSESSER. The number I don't recall. It has been a long time, but there were a number of windows broken. We took a check, and my dad had gone to the house at the time, and I reported to him, and he reported to the insurance company.

Mr. KENNEDY. Did you collect insurance on that?

Mr. ELSESSER. Yes, sir; we did.

Mr. KENNEDY. How much insurance?

Mr. ELSESSER. I wouldn't know. My dad took care of it.

Mr. KENNEDY. But it was for approximately 4 or 5 windows?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. Do you know how they were busted or broken?

Mr. ELSESSER. I thought it was from the concussion. The children were in the house, and they said the house shook tremendously, and they weren't broken before, and that is what caused it.

Mr. KENNEDY. It might have been the concussion from the explosion?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. But whoever was responsible for that was not apprehended either, is that right?

Mr. ELSESSER. No, sir.

Mr. KENNEDY. On Friday evening, December 23, 1955, were you sitting at home watching television with your wife?

Mr. ELSESSER. I was sitting in the living room holding my daughter.

Mr. KENNEDY. With your daughter in your lap?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. Could you tell the committee what happened?

Mr. ELSESSER. I was sitting there watching TV and, well, someone from outside had thrown some object in, in the living room, and into the bedroom simultaneously, and I saw paint splashed on the rug and on the drapes, and I knew right away what it was. It was charged with paint, and they had thrown them into two rooms.

Mr. KENNEDY. They threw jars filled with paint into two of your rooms?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. And they splattered all over?

Mr. ELSESSER. All over.

Mr. KENNEDY. Did you have insurance on that?

Mr. ELSESSER. I had insurance for that.

Mr. KENNEDY. And from the insurance company, do you now remember how much it was?

Mr. ELSESSER. It was in excess of \$700, and I don't remember the amount.

Mr. KENNEDY. But there was paint all over the rugs?

Mr. ELSESSER. All over the rugs and the drapes and wall and ceilings and front porch, and inside and out.

Mr. KENNEDY. Did they ever find out who was responsible for that?

Mr. ELSESSER. I don't believe so, sir. I never did hear.

Mr. KENNEDY. What did you think in your own mind as to who was responsible, or did you have any evidence as to who was responsible?

Mr. ELSESSER. I had no evidence, no, and I had no idea who it was.

Mr. KENNEDY. Did you think it was something that arose out of the strike?

Mr. ELSESSER. I believe it was.

Mr. KENNEDY. You have no evidence or information, but you feel that it probably arose out of the strike?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. Did you have any other enemies at the time, serious enemies?

Mr. ELSESSER. I really don't think that I had any enemies before this.

Mr. KENNEDY. Had anything like this occurred before to your home or to your car?

Mr. ELSESSER. To my car. I believe it was previous to that. I had paint remover thrown on the hood.

Mr. KENNEDY. But other than during this period of the strike, had anything like this occurred?

Mr. ELSESSER. No, sir.

Mr. KENNEDY. Then you were going to tell us, or you told us about the dynamite, and the paint bombings in your home, and then you say that your car was paint bombed?

Mr. ELSESSER. Yes, sir, and the hood of the car was covered with paint remover, and I believe that was in the latter part of 1954.

Mr. KENNEDY. Did you find out who was responsible for that?

Mr. ELSESSER. No, sir, I didn't.

Mr. KENNEDY. Was there anything else that happened to you?

Mr. ELSESSER. Well, there was a sort of a ball bearing or a pellet, from a pellet gun. Evidently it was a shot from outside the house,

and sounded like a gun went off, and at the same time it hit the window, and I went out and investigated and all I found was a ball bearing, about 3 or 4 times the size of a pea, and a round whole was in the window. And I looked around and I couldn't see anybody.

Mr. KENNEDY. What do you think happened then—someone threw that at the window?

Mr. ELSESSER. Evidently, either thrown or shot. It sounded like a shot or a backfire of a car. I thought it may have been from an air pistol, and I wouldn't know.

Mr. KENNEDY. Wouldn't it have gone through the window if it was shot?

Mr. ELSESSER. It might have.

Mr. KENNEDY. Did they find out who was responsible for that?

Mr. ELSESSER. No, sir.

Mr. KENNEDY. Were you ever physically beaten yourself?

Mr. ELSESSER. Just kicked, and not seriously, but I was kicked.

Mr. KENNEDY. When were you kicked?

Mr. ELSESSER. I wouldn't know that exactly. I would say it was about 3 years ago. This happened in the local tavern.

Mr. KENNEDY. In a tavern?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. What happened?

Mr. ELSESSER. I might explain. There were two of us went into this particular tavern, a friend and myself, and I believe we were the only Kohler workers in there, and we were at the bar 10 or 15 minutes and there was another fellow in there, and I know him but I just can't think of his name.

And he kept calling us "scab," and "scab," and different names, and we never paid any attention to him and we just ignored him. After about 15 or 20 minutes, Roger Bliss, and Roger Fredericks, local union boys came in, and about six other fellows behind them.

They came in and harassed us, and called us names. We paid no attention to them, and they started kicking. They kicked me 2 or 3 times and I went back to the bar and put my elbows on the bar, and so I figured if they did come to me, I would be prepared.

So the other fellow turns his back to him. Roger Fredericks, he came from the rear and kicked him as hard as he could from the rear.

I said, to the man at the bar, "Why do you let this go on? Why don't you call the police?" He said, "It is no concern of mine. Do you want to call the police?" And I said, "No, I will call my wife." And I figured that way we could call the police. And this bunch of fellows got in front of the telephone, and said, "What do you want to do?"

I said, "I want to call my wife." But really I wanted to call the police, and I figured that was the only way I could get through. They started kicking me in the groin, and kneeling me in the groin, and I went back to the bar again, and I gave the bartender a dime and asked him whether he would call a taxi for me, and he said "Yes," and he would call me a taxi, and asked, "Do you want to leave?" And they wouldn't let us out the door again.

So we did worm our way out of there, and there were 3 or 4 people ahead of me, and I gave this 1 fellow a shove, and he went halfway through, and he finished up and as soon as he was through, I got

behind him and in a cab and drove about 2 blocks and I came back, and I walked back and took my car, and it was across the street, and I went down to the police department and reported it.

I served a warrant on Roger Bliss and Roger Fredericks, and I believe they picked them up.

Mr. KENNEDY. They picked him up where?

Mr. ELSESSER. They picked him up; I believe they are out on bail.

Mr. KENNEDY. They are out on bail?

Mr. ELSESSER. They were.

Mr. KENNEDY. What happened to the case?

Mr. ELSESSER. I dropped the case personally, I am not too sure, I think about 8 months ago. This particular fellow was in California, and they had brought it up several times, and it was always adjourned.

Now the district attorney said, well, they are going to try it now, but the fellow isn't here; he is in California.

So he said all he would get would probably be assault and battery, and it is best to drop it and that is what I did.

Mr. KENNEDY. Was there anything else happen to you in connection with this matter?

Mr. ELSESSER. I had roofing nails thrown into my driveway.

Mr. KENNEDY. Broken nails?

Mr. ELSESSER. Roofing nails. I had milk bottles thrown into my front lawn.

Mr. KENNEDY. What is that?

Mr. ELSESSER. Milk bottles broken, and a brick thrown. This was shortly after the paint bombing, a brick thrown through the front of the house. They were aiming at the window and hit the drain pipe. That is all I remember offhand, I am sure there was more.

Mr. KENNEDY. You had a very active time?

Mr. ELSESSER. I sure did.

Mr. KENNEDY. And other than the incident in the tavern, nobody was arrested in connection with the matter?

Mr. ELSESSER. No, sir; they were both picked up later on, but they were released on bail.

Mr. KENNEDY. But you feel that all of this tension that was directed in your direction, grew out of the strike, in the altercation?

Mr. ELSESSER. There is one more incident, the clay-boat incident. This is in February. Do you have the date, I believe it is 1955, in February.

Mr. KENNEDY. July, I think.

Mr. ELSESSER. It was July, and this particular day my wife and three children and my wife's aunt had decided to go for a ride, and we were riding around Sheboygan, and we went down around the lake, toward Pennsylvania Avenue, and we saw many people on both sides of the street lined up.

Of course, I knew what they were down there after when I got there, and in fact I heard it before, but I did not think there would be that many people. Anyway I got caught in the traffic and I could not get out. So I had to follow them. So I got about halfway through, and I noticed a small fellow on the left of the road, pointing to my car.

He said, "There is Elsesser," and at the same time, both lines on both sides closed in, and they smashed my windows, and surrounded

my car completely and I could not get out. Cars ahead of me moved out and I was sitting there alone.

They smashed all of my windows, and kicked at my car, and fenders, and my hood and trunk, and I had to have my whole car finished. There was 1 fellow, I did not identify anybody, because my 3 children and my wife and my aunt, they were so excited, they were all over me and it was hard to hear, but my wife's aunt she identified one as Jim Bailey, and he said, "There she is, and I am going to get her."

It took me a good 15 or 20 minutes to get out of there. There was 1 policeman there, that I noticed, and he was just standing there, and he didn't even attempt, the crowd was so great, and finally I worked myself down to the armory, which was 2 or 3 blocks, and there he came to my rescue and got them off, and I went away, and I reported it to the police at the station.

Mr. KENNEDY. That happened down at the clay boat?

Mr. ELSESSER. At the clay boat; yes, sir.

Mr. KENNEDY. When the clay boat came in?

Mr. ELSESSER. Yes, sir.

Mr. KENNEDY. What were you doing there?

Mr. ELSESSER. I was riding around with my wife and children.

Mr. KENNEDY. Was the crowd there before you came in?

Mr. ELSESSER. I believe they were. They were there when I got there.

Mr. KENNEDY. You took your wife and children in there?

Mr. ELSESSER. They were on both sides, not on the road.

Mr. KENNEDY. Did you see the crowd down there?

Mr. ELSESSER. Yes.

Mr. KENNEDY. Why did you bring your wife and children down there?

Mr. ELSESSER. When I was in traffic, I couldn't get out. Cars were lined up all through there. I normally go to the lake all the time. It is a nice ride for the children.

Mr. KENNEDY. You could not see the crowd ahead of you?

Mr. ELSESSER. No, sir. There is a bend in the road. If you know how the road comes from the lower section, by the coalyard, it winds around, and you couldn't see it. There is sort of a hill.

Mr. KENNEDY. Is there anything else?

Mr. ELSESSER. I can't think of it right offhand.

The CHAIRMAN. I present to you here a group of five photographs. Will you examine them and state if you identify them?

(The photographs were handed to the witness.)

Mr. ELSESSER. This looks like the alley where the dynamite caused the hole, this one, yes.

The CHAIRMAN. Do you identify those photographs?

Mr. ELSESSER. As my home, yes, where I lived at the time.

The CHAIRMAN. They are photographs of what?

Mr. ELSESSER. Of the explosion, the dynamite explosion.

The CHAIRMAN. Of the dynamite explosion. At the time, was an attempt made to dynamite your car?

Mr. ELSESSER. Yes, sir.

The CHAIRMAN. They may be made exhibit No. 23-A, B, C, D, and so forth.

(The documents referred to were marked "Exhibits Nos. 23-A through E" for reference, and may be found in the files of the select committee.)

The CHAIRMAN. I have here another series of photographs, some 7 or 8 of them. I will present those to you to examine them and state if you identify them.

(The photographs were handed to the witness.)

Mr. ELSESSER. This is my home that was paint-bombed and the contents that were damaged, yes, sir.

The CHAIRMAN. Those show your home that was paint-bombed and also damage that was done to it at different times?

Mr. ELSESSER. Yes, sir. At this particular paint-bombing, yes, sir.

The CHAIRMAN. All right, they may be made exhibit No. 24, A, B, C, and so forth.

(The documents referred to were marked "Exhibits Nos. 24-A through 24-H" for reference and may be found in the files of the select committee.)

The CHAIRMAN. As I understand you, when your car was dynamited, had you not fortunately moved your car from where you first got it started, when you first got into it, would not the car have been bombed and you, too?

Mr. ELSESSER. It certainly would. There is Rudy's ambulance across the street, and they sit by the window and watch the traffic go by and wait for calls. After this happened, he came over and he said just after he came out of the house, somebody came through with a Kaiser, I believe he said a green Kaiser, and somebody threw something under the car that looked to him like a cigarette. That is evidently what happened.

The CHAIRMAN. Had it been placed in the car or merely underneath it?

Mr. ELSESSER. Underneath the car.

The CHAIRMAN. I beg your pardon?

Mr. ELSESSER. Underneath it.

The CHAIRMAN. It had just been thrown underneath the car and had not been placed in the car?

Mr. ELSESSER. It was underneath.

The CHAIRMAN. As I understand, you had never had any previous trouble; you had never had any vandalism committed on your premises or property, or anything prior to this strike?

Mr. ELSESSER. Prior to the strike, no, sir.

The CHAIRMAN. And on the occasion when you were down in the tavern, you did identify the people who molested you there?

Mr. ELSESSER. Yes, sir.

The CHAIRMAN. And they were union strikers?

Mr. ELSESSER. Yes, they were.

The CHAIRMAN. You knew them personally?

Mr. ELSESSER. I knew them both.

The CHAIRMAN. You do not know, you have no proof as to who committed these acts of violence on your property?

Mr. ELSESSER. I have no proof.

The CHAIRMAN. Did you ever make an effort to find out who did it?

Mr. ELSESSER. No, sir, I did not.

The CHAIRMAN. Are you afraid?

Mr. ELSESSER. I am not afraid of anybody. I figured it was no use. You get the guilty party and they would lie out of it anyway. I let the law enforcement officers take care of that.

The CHAIRMAN. You were never able to get the others prosecuted when you identified them, were you?

Mr. ELSESSER. It seems like anyone done something from the union side, you would get them to court and it was always postponed or dropped.

The CHAIRMAN. Always postponed or dropped?

Mr. ELSESSER. Yes, sir.

The CHAIRMAN. They seemed to have tremendous power there at that time, did they?

Mr. ELSESSER. Yes, sir. I am just one man and I am not strong enough for a big outfit like that.

The CHAIRMAN. There was never any doubt in your mind about who was causing this damage?

Mr. ELSESSER. I don't believe so; no, sir. We never had trouble before. It just started since the strike.

The CHAIRMAN. You had no trouble before.

Are there any questions? Senator CURTIS.

Senator CURTIS. You do not believe that your neighbors caused this trouble for you just spontaneously because they thought you were a scab, do you?

Mr. ELSESSER. I don't believe so, sir.

Senator CURTIS. No one else does either. All of this testimony here of denials of responsibility for it and lack of knowledge, I don't think is impressing anybody. I do not believe anyone is believing it.

Did other coal workers have experiences somewhat similar to yours? That is, of being molested in their homes and cars and one thing and another?

Mr. ELSESSER. Sure. There is many instances. I read in the paper many times.

Senator CURTIS. Did you know some of those people that you read about?

Mr. ELSESSER. Some of them I did; yes, sir.

Senator CURTIS. The people who were violent and molesting of various kinds, were any of them strikers?

Mr. ELSESSER. I do not believe I know of any, sir.

Senator CURTIS. It was always directed against you people who were not joining in the strike?

Mr. ELSESSER. Yes, sir, to the best of my knowledge.

Senator CURTIS. You need not repeat the unbecoming language, but tell me a little bit more about these telephone calls that you would get that would disturb you in the night.

Mr. ELSESSER. Well, they would start late in the evening, say from 8 or 10, and they would wait another hour or two and then there would be another call. Many times they never even talked back. When you answered, there would be no voice on the other end at all. You would just hear the click of the receiver. Just so you would get out of bed. Especially at 2 or 3 in the morning when they knew you were sleeping.

Senator CURTIS. It was evident they were calling to torment you?

Mr. ELSESSER. Yes, sir.

Senator CURTIS. If they did engage in any conversation, what type of conversation would they engage in?

Mr. ELSESSER. Filthy language.

Senator CURTIS. And call you a scab?

Mr. ELSESSER. Yes, sir, with a few swear words to boot, s. o. b., scab, and things like that.

Senator CURTIS. Did you ever recognize any of the voices?

Mr. ELSESSER. No, sir, I never did.

Senator CURTIS. Were they always men?

Mr. ELSESSER. Not always. One instance that I know of there was a woman that called.

Senator CURTIS. And if they started this up some night, they would call you several times during the night?

Mr. ELSESSER. Yes, sir. I got calls as late as 5:15 in the morning, and I normally get up at say, 5:15 or 5:30.

Senator CURTIS. In the course of your acquaintance around there, did that happen to anybody else that you know of, who were tormented by telephone calls?

Mr. ELSESSER. Many people had telephone calls.

Senator CURTIS. By telephone calls, you mean the annoying type of calls you described?

Mr. ELSESSER. Yes, sir, both types.

Senator CURTIS. Those people who got the calls, were they strikers or nonstrikers?

Mr. ELSESSER. They were nonstrikers, working.

Senator CURTIS. So it just did not happen to you alone?

Mr. ELSESSER. No, sir, I am not the only one.

Senator CURTIS. Now, relating to this time that you were assaulted in the tavern, who were the two men you identified?

Mr. ELSESSER. Roger Bliss and Roger Fredericks.

Senator CURTIS. Roger Bliss and Roger Fredericks?

Mr. ELSESSER. Yes, sir.

Senator CURTIS. Where do they live?

Mr. ELSESSER. They live in Sheboygan; they are both local boys.

Senator CURTIS. Where are they employed?

Mr. ELSESSER. They were employed at Kohler, prior to the strike.

Senator CURTIS. Were they strikers?

Mr. ELSESSER. They were both strikers.

Senator CURTIS. There was some conversation before you were assaulted?

Mr. ELSESSER. We didn't even talk to them. There was no conversation whatsoever. It was just all one sided. We never even answered them. We never paid no attention.

Senator CURTIS. What you are saying is, you did not talk to them?

Mr. ELSESSER. No, sir.

Senator CURTIS. But they said something to you?

Mr. ELSESSER. Yes, sir.

Senator CURTIS. What would be the nature of what they would say?

Mr. ELSESSER. Dirty scab and filthy names. They wanted to torment, just make us mad enough they thought probably we would fight. But this other fellow with me, I had to quiet him down. He was getting pretty wound up. He did not want to take that. There was too many people in there.

Senator CURTIS. Where did he work?

Mr. ELSESSER. He worked at Kohler Co.

Senator CURTIS. Was he a striker?

Mr. ELSESSER. No, sir, he was a nonstriker.

Senator CURTIS. Was he kicked, too?

Mr. ELSESSER. He was hurt worse than I was.

Senator CURTIS. What was his name?

Mr. ELSESSER. His name was William Muller. As a matter of fact, he lost 3 weeks' work that time.

Senator CURTIS. At the time you and your family were molested in your car near the clay boat, about how many people came out and took part in that molestation?

Mr. ELSESSER. It is hard to judge. I judge there were 2,000 people there that day.

Senator CURTIS. Yes, but how many of them came out and bothered you?

Mr. ELSESSER. They were swarming me with people. I have no idea. I would say at least a hundred. They converged from both sides, they all did, all that could get around the car.

Senator CURTIS. How long have you lived in that community?

Mr. ELSESSER. Since about 1923.

Senator CURTIS. In that big crowd down there at the clay boat, did you recognize all of the people as being residents of that community?

Mr. ELSESSER. I didn't recognize anyone that night. I was in a hurry to get out of there, and I had no time to look at anyone. With my wife and children screaming, I didn't have time to look. They knocked my car out of gear and I had to get out the best I could.

Senator CURTIS. Did they talk to you or shout to you as they were doing this?

Mr. ELSESSER. They were screaming, yes, screaming and hollering.

Senator CURTIS. How much damage was done to your car?

Mr. ELSESSER. I don't know the actual cost, but the complete body was dented all the way around, dented and scratched, and all my side windows were broken, all but the windshield and rear window were broken.

Senator CURTIS. How much of a family do you have?

Mr. ELSESSER. I have four children.

Senator CURTIS. How old is the oldest one?

Mr. ELSESSER. The oldest one is 15.

Senator CURTIS. Fifteen?

Mr. ELSESSER. Yes, sir, he was not along. The three youngest children were along.

Senator CURTIS. Did you find this general experience of the telephone calls, paint cans coming through your window and harming your car, a disturbing factor so far as your wife and children were concerned?

Mr. ELSESSER. Yes, sir, my wife and children, it made them very nervous. My wife still has a nervous condition because of it.

(At this point, Senator Ervin entered the hearing room.)

Senator CURTIS. The police, at least, were not successful in doing anything about apprehending and punishing those who had tormented you?

Mr. ELSESSER. That is right.

Senator CURTIS. Was there a general feeling around there that it was somewhat useless to try to prosecute?

Mr. ELSESSER. I believe so, sir. You had a feeling it didn't do any good to take anyone to court. It was either dropped or dismissed. It was just useless.

Senator CURTIS. I want to say to you I think you have been a very good witness. I hope that before this hearing is over the people who have directed this campaign will come forward and admit it because I, for one, do not believe that these things were spontaneous, but that this was a well-organized campaign in which about \$10 million was invested.

I think in fairness to the fine working men and women of the country, both organized and unorganized, that the people responsible for this reign of terror ought to accept the responsibility and admit it, thus removing the blight on unions generally for these things happening.

The CHAIRMAN. Are there any other questions?

If not, thank you very much.

Call the next witness.

Mr. RAUH. Mr. Chairman, this morning I promised to submit the death certificate of the man to whom Senator Mundt referred to as having been murdered. I told him that that was a distortion. I hold in my hand the document proving beyond any doubt that it was a distortion.

The CHAIRMAN. Let us see the document.

Mr. RAUH. May I offer it? May I describe it? I will show it, certainly. I would like just to be sure that it is described.

(The document was handed to the committee.)

Mr. KENNEDY. Do you have another one? What does it say?

Mr. RAUH. "Heart disease, arterial sclerosis, congestive failure."

The CHAIRMAN. May I inquire of the staff if anyone has checked into this and knows whether this is correct or not?

Mr. KENNEDY. I have never seen this document before.

Senator CURTIS. I would like to ask a question or two in the way of foundation before he introduces this.

The CHAIRMAN. I have not admitted it yet.

Senator CURTIS. I would like to ask a question. Whose death certificate is this?

Mr. RAUH. This is the death certificate of Mr. William Bersch whom Senator Mundt this morning said had been murdered by Mr. Gunaca. This document contains the words, "Cause of death: Heart disease, arterial sclerosis, congestive failure."

Senator CURTIS. I did not ask you for all of that. I asked you who it was.

The CHAIRMAN. I think this should be taken up when Senator Mundt is present.

Mr. RAUH. Mr. Chairman, 10 minutes ago I sent word to Mr. McGovern that we asked for Senator Mundt to come.

The CHAIRMAN. Just one moment, please.

I feel that Senator Mundt should be present if this matter is to be received in evidence. The raised the question and I thought he should be present. Does anyone know whether he is going to return to the committee?

Mrs. DUCKETT. The report from his office is that he is to return.

The CHAIRMAN. He is to return?

Mrs. DUCKETT. Yes, sir.

The CHAIRMAN. Then we will withhold the matter until Senator Mundt returns. At that time, I will be glad to go into it again.

Senator CURTIS. May I ask my question then?

The CHAIRMAN. Certainly, Senator. I was just trying to extend to Senator Mundt a courtesy.

Senator CURTIS. That is all right.

The CHAIRMAN. Call the next witness, please.

Mr. KENNEDY. Mr. Bernard M. Daane.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. DAANE. Yes, sir.

TESTIMONY OF BERNARD M. DAANE

The CHAIRMAN. State your name, your place of residence, and your business or occupation, please, sir.

Mr. DAANE. My name is Bernard M. Daane. I reside at Rural Route 2, Sheboygan Falls and I am an enameler at the Kohler Co.

The CHAIRMAN. Do you waive the right to counsel?

Mr. DAANE. Voluntarily.

The CHAIRMAN. I say do you waive the right to counsel?

Mr. DAANE. Yes.

The CHAIRMAN. Do you want an attorney present?

Mr. DAANE. No, I do not.

The CHAIRMAN. You waive it, then. Proceed.

Mr. KENNEDY. You were working at the Kohler Co. for how long?

Mr. DAANE. It will be in 1955—I started on February 27 or 28, 1955. That will be 3 years.

Mr. KENNEDY. You started working there after the strike?

Mr. DAANE. Yes.

Mr. KENNEDY. Where had you come in from?

Mr. DAANE. The farm.

Mr. KENNEDY. From a farm? You knew that the Kohler Co. was trying to replace the people that had gone out on strike?

Mr. DAANE. Right.

Mr. KENNEDY. Had you seen one of their advertisements in the paper?

Mr. DAANE. Never.

Mr. KENNEDY. But you were aware of the fact that they were trying to replace the strikers?

Mr. DAANE. I just went in voluntarily on my own basis.

Mr. KENNEDY. And you started to go to work there in February of 1955?

Mr. DAANE. Right.

Mr. KENNEDY. After you started to go to work there, did you receive any telephone calls?

Mr. DAANE. Numerous telephone calls.

Mr. KENNEDY. What was said in those telephone calls?

Mr. DAANE. Everything.

Mr. KENNEDY. Well, were you threatened?

Mr. DAANE. I had not been threatened for my life, no; but I had been called everything, and my children have answered the phone and have been called everything, vulgar words.

Mr. KENNEDY. Vulgar words on the telephone?

Mr. DAANE. Yes.

Mr. KENNEDY. And have they called you a scab?

Mr. DAANE. Yes.

Mr. KENNEDY. And used vulgar language; is that right?

Mr. DAANE. Yes.

Mr. KENNEDY. Then on March 21, 1955, at 1:50 in the morning, about 1:50 a. m., were you awakened by a loud explosion?

Mr. DAANE. Yes.

Mr. KENNEDY. Would you tell the committee what happened?

Mr. DAANE. On March 21, at 1:50 a. m., I had went to bed about, I would say, approximately a quarter to one, and my wife came shortly afterward. She, just about 7 minutes prior to the shotgun blast, went down to turn the oil burner down and was right in the line of fire. She just laid down to retire and the blast came. She would have been in the line——

Mr. KENNEDY. What kind of blast was it?

Mr. DAANE. It was from a 16-gage shotgun.

Mr. KENNEDY. Where did the blast come from?

Mr. DAANE. A man stood—his footprints were right in front of my window. He was at ground level with my picture window.

Mr. KENNEDY. He fired into the living room?

Mr. DAANE. Right into the living room. The drapes were closed. He absolutely could not see anybody on that side and I couldn't see him on the other side.

Mr. KENNEDY. What did you do then?

Mr. DAANE. I jumped out of bed. First, I felt it was dynamite. It shook the house, and the children. They cried out. I jumped up and my wife held me by the arms and said, "No, don't." I just felt I should catch these type of people in the act. As I jumped up, when I came to the doorway, another one flew right past me.

Mr. KENNEDY. Another shotgun blast?

Mr. DAANE. Shotgun.

Mr. KENNEDY. So there were two shotgun blasts?

Mr. DAANE. Right.

Mr. KENNEDY. What happened after that?

Mr. DAANE. Well, then I figured it was about time I do something so I ran barefooted outside and just as I came around the corner, to my wife I said, "You call the sheriff immediately," and she did that. I ran outside with a baseball club. I had no gun at all.

The CHAIRMAN. You had no gun?

Mr. DAANE. I absolutely hadn't a gun on the place. So when I came out, the car slowly drove down. It had snowed lately and at this time it started raining. It warmed up in the morning. I ran outside and I seen this car slowly going down. I tried to detect what kind of car it was; I tried to catch their license plate number and it was a little bit too foggy. It was sort of foggy, in the morning, and it was awfully dark.

It was a new car, with dual tail lights; that is all I could detect.

Mr. KENNEDY. And you came back to the house then?

Mr. DAANE. Right, I came back, because I was barefoot and I put a pair of shoes on.

Mr. KENNEDY. Did you see some shoe prints in the snow?

Mr. DAANE. Very, very clearly.

Mr. KENNEDY. Very clearly?

Mr. DAANE. Right.

Mr. KENNEDY. When the sheriff came out were the shoe prints still there?

Mr. DAANE. I noticed them immediately and when I ran out, I ran out the driveway. They came in through the lawn part underneath the shrubbery. I immediately told them—that was Ted Mosch at the time—I told him, I said, “Here, Ted, here is my foot and their foot. Measure it,” because I had seen incidents before of what happened.

He didn’t pay much attention. He said, “Now, you take some cardboard boxes and cover those prints up.” I looked at him and smiled and said, “Ted, tomorrow morning, the way it is raining now, they are all gone.” And that is exactly what happened. He came out at 10 o’clock the next morning and they were gone.

The CHAIRMAN. As I understand, you offered or tried to get him to make a comparison of your foot print with those that were outside the window.

Mr. DAANE. Right, because I heard previously to that they were trying to convict the parties of the nonstrikers to say that they did the job.

The CHAIRMAN. Claiming they were doing it to their own property?

Mr. DAANE. Right. So I immediately thought of that, and I wanted to prove that that was not the case.

The CHAIRMAN. Did the sheriff cooperate with you in it?

Mr. DAANE. Well, Mr. Chairman, I just said that he said I should place boxes over these prints until the following morning. Anyone knows in slight snow over grass that they are not going to hold out very long when it is raining.

The CHAIRMAN. He made no effort that night?

Mr. DAANE. Right.

The CHAIRMAN. And by morning they were erased?

Mr. DAANE. That was between 10 and 10:30 he came the next morning. It was quite warm and the green grass was sticking through. It was just green grass. The rain had washed the snow off.

Mr. KENNEDY. Did he do anything about the footprint?

Mr. DAANE. No, he hadn’t. And I had seen the ejected shells lay there, and I picked them up and I said, “Here, Ted, here is something for you.” I wanted to keep one, but he took both.

After a while there came a man from the crime lab, and he said—I understand, I am not positive that it went to the crime lab for investigation.

Mr. KENNEDY. Did he take a picture of the footprint?

Mr. DAANE. He took a picture of it but I never heard anything further.

Mr. KENNEDY. Did he take a picture of the footprint that night?

Mr. DAANE. Yes, he took one that I recall. I was out there and he had a camera and took a picture.

Mr. KENNEDY. He took a picture of the footprint that night and did not wait until the following day?

Mr. DAANE. Yes, and he also took a picture inside the house. We also had the Kohler Co. and the press reporter, Frederick Clark, at that time was out there, and they took pictures inside the house.

Mr. KENNEDY. What was the damage?

Mr. DAANE. The damage was the picture window with two bullet holes, I would say about this round [indicating]. You have the photograph. It would be there. I would say about 2 inches apart and an inch and a half to 2 inches apart, right above each other, and it careened right directly up into a streamer that was going above the plaster wall. It went through the plaster.

My oldest son was sleeping upstairs and if it had not been for the streamer, it would have gone right through his bed, right into his back.

Mr. KENNEDY. How much was the damage?

Mr. DAANE. The picture window had to be replaced.

Mr. KENNEDY. How much did it cost altogether?

Mr. DAANE. I couldn't say exactly. I would say the window must have come in the neighborhood.

Mr. KENNEDY. How much did you collect?

Mr. DAANE. I didn't collect anything. It was all handled through them. I had insurance and it was handled through the insurance company.

Mr. KENNEDY. How much did the insurance company pay?

Mr. DAANE. I wouldn't say. I would have to see the bill myself.

Mr. KENNEDY. You do not know?

Mr. DAANE. Right.

Mr. KENNEDY. How much, approximately? Do you know that?

Mr. DAANE. Possibly anywhere in the neighborhood of \$400 to \$600.

Mr. KENNEDY. Did you have anything else happen to you?

Mr. DAANE. One night when I came out of work before I had a partner to ride with, a red Mercury followed me from the Memorial Drive. Three fellows were in it. I stopped at Bailen's Garage. I knew they were trailing me, and I had heard several times where they followed them.

I had a suspicion so I stopped. I couldn't draw the filling station man's attention. He was in the back closing. That was at 12:30. I had gotten off the shift at 11. I thought I would take my chances. I knew the road very well, so I stepped the accelerator down and pulled her way up to 90. They followed.

I couldn't make too much time. When I knew the bend around Salem Reform Church, I knew the road, so I shut my lights and darked on toward Plymouth.

Mr. KENNEDY. Was there any other danger to your home?

Mr. DAANE. I haven't, but I have been bothered with numerous cars going by and they have even hollered at my children. I have had cars parked with parking lights, trying to tempt me to do something. I had some savage dogs I acquired after a while, and I am quite sure they took care of one party.

Mr. KENNEDY. Was there a great deal of bitterness between the strikers and nonstrikers?

Mr. DAANE. I didn't have any enemies before, but it seems that I have now.

Mr. KENNEDY. Was there a great deal of bitterness after the strike began between the strikers and nonstrikers?

Mr. DAANE. I would say "Yes."

Mr. KENNEDY. Although no one was found to be responsible for the shotgun blast into your home—is that correct? No one was found to be responsible?

Mr. DAANE. They have not found anything.

Mr. KENNEDY. But you feel it arose out of the strike?

Mr. DAANE. Well, my personal feeling would be yes.

Mr. KENNEDY. That is arose out of the strike?

Mr. DAANE. Yes.

Senator ERVIN. How many were in your family or rather how many people were in your home at the time these two shotgun blasts were fired through the picture window?

Mr. DAANE. There were five people—my little girl, and my boy that is 14, and my second boy that is 9.

Senator ERVIN. How frequently were you called up on the telephone and abused?

Mr. DAANE. Many times. It started—the most numerous time they started would be starting at 6 at night, and all through to midnight, and after midnight.

Senator ERVIN. Over what period of time did that continue?

Mr. DAANE. That was when the strike was on, when the conflict was on the worse, it was the worse.

Senator ERVIN. About what year?

Mr. DAANE. It was in 1955, I believe, at that time, pertaining to me.

Senator ERVIN. You were working on a night shift at that time?

Mr. DAANE. We have three different shifts, and they revolve. It is the morning and the afternoon to 3, and from 3 to 11.

Senator ERVIN. That is all.

Senator CURTIS. About when did you start to work at Kohler?

Mr. DAANE. I started to work February 27 or 28, 1955.

Senator CURTIS. And how long did you continue to work?

Mr. DAANE. I still am.

Senator CURTIS. You are still working there?

Mr. DAANE. That is right.

Senator CURTIS. And you live out in the country?

Mr. DAANE. That is right.

Senator CURTIS. About how far in the country?

Mr. DAANE. From the nearest city, do you mean, of Sheboygan Falls, or from Kohler?

Senator CURTIS. Your place of employment.

Mr. DAANE. My place of employment. I would say it would be about 5 miles, approximately 5 miles.

Senator CURTIS. Now, did these telephone calls occur on a number of nights?

Mr. DAANE. That is right.

Senator CURTIS. And they were of a tormenting and harassing kind?

Mr. DAANE. That is right.

Senator CURTIS. Did you ever recognize any of the voices?

Mr. DAANE. No, sir.

Senator CURTIS. Were they always men?

Mr. DAANE. I would say all but once.

Senator CURTIS. But did your phone ring sometimes when there would be no one answer at all?

Mr. DAANE. That is right, and of course at last we just put pillows over it and went to sleep.

Senator CURTIS. It got so bad that you had to ignore it after a while?

Mr. DAANE. That is right.

Senator CURTIS. To get your sleep?

Mr. DAANE. Yes.

Senator CURTIS. Do you know of any other people who were the victims of harassment like this and property damage such as you suffered?

Mr. DAANE. Yes; I do.

Senator CURTIS. They were employees of Kohler?

Mr. DAANE. Yes, sir.

Senator CURTIS. Were they on strike?

Mr. DAANE. No, sir.

Senator CURTIS. Do you know of any strikers that were treated this way?

Mr. DAANE. I do not.

Senator CURTIS. Now, this incident where your home was fired into by a shotgun, how many shots were fired?

Mr. DAANE. Two.

Senator CURTIS. And how do you base that?

Mr. DAANE. By the holes and by the shells.

Senator CURTIS. As well as you heard two reports?

Mr. DAANE. That is right.

Senator CURTIS. Then the next day, or when you went out there, you found two shells?

Mr. DAANE. The same evening; that is right.

Senator CURTIS. What was the date of that?

Mr. DAANE. Pardon me?

Senator CURTIS. What was the date of that?

Mr. DAANE. That was either the morning of March 21 or 22. It was on a Monday morning, early Monday morning, 1:50.

Senator CURTIS. Of 1955?

Mr. DAANE. 1:50, or 1:55.

Senator CURTIS. I mean 1955.

Mr. DAANE. That is right.

Senator CURTIS. Were you satisfied with the vigor and thoroughness of the sheriff's investigation?

Mr. DAANE. No; I wasn't.

Senator CURTIS. Did you know at that time that the previous fall the UAW had assisted in financing his campaign for reelection as sheriff?

Mr. DAANE. I heard, but I had not perfect evidence.

Senator CURTIS. You didn't know at the time?

Mr. DAANE. I heard, but I had not perfect evidence at that time.

Senator CURTIS. That is all.

The CHAIRMAN. The Chair presents to you a series of four pictures, and I ask you to examine them and state if you identify them?

Mr. DAANE. These are correct.

The CHAIRMAN. What are they?

Mr. DAANE. These pictures or these photos that you show here, the first one is a bedroom off here where you see this doorway; and the shots you can see, they are on there.

The CHAIRMAN. They are all pictures of your home, showing where the shots were fired, and the window they were fired through and where the bullets struck?

Mr. DAANE. That is right.

The CHAIRMAN. Is that correct?

Mr. DAANE. That is correct.

The CHAIRMAN. All right. They may be made exhibits No. 25, A, B, and C.

(Pictures referred to were marked "Exhibits No. 25, A, B, and C" for reference and may be found in the files of the select committee.)

Senator GOLDWATER. Mr. Daane, I have just one question.

During the course of any of these telephone conversations that you had, were you told that if you joined the union you would not have any further trouble?

Mr. DAANE. They have never said that.

Senator GOLDWATER. Thank you.

The CHAIRMAN. Is this violence still continuing up there, and are you still having these acts of vandalism committed?

Mr. DAANE. As far as I am personally concerned, I am not bothered.

The CHAIRMAN. You are not being bothered, now?

Mr. DAANE. No; I am not.

The CHAIRMAN. How long has it been since you got some of these aggravating telephone calls?

Mr. DAANE. I believe the last call I received was approximately a year and a half ago.

The CHAIRMAN. Peace pretty well has been restored, so far as the violence is concerned, is that right?

Mr. DAANE. It has been restored a lot better than it has been.

The CHAIRMAN. What is that?

Mr. DAANE. Conditions are a lot better than they have been.

The CHAIRMAN. They are now much better?

Mr. DAANE. They are a lot better than they have been.

The CHAIRMAN. How about the workers in the plant, are they permitted to go to work without being interfered with?

Mr. DAANE. Well, at the gate now, you have somebody that will call you a name or say something now and then.

The CHAIRMAN. They are still picketing the plant, I assume?

Mr. DAANE. Yes, sir; they are.

The CHAIRMAN. And occasionally there is some abusive language used as you go in and out, is that right?

Mr. DAANE. Yes.

The CHAIRMAN. But so far as any violence or threats, or any vandalism being committed, that has practically ceased, has it?

Mr. DAANE. As far as I am concerned; yes.

The CHAIRMAN. Do you know of others?

Mr. DAANE. I do not.

The CHAIRMAN. I mean within your personal knowledge, do you know of any other that is going on there now?

Mr. DAANE. I do not.

The CHAIRMAN. All right. Is there anything further?

Thank you very much. You may stand aside.

Senator Mundt, I understand, will not be here this afternoon, and so we might go ahead with this. I was just thinking that he raised the question this morning, and the controversy was with him. That is the only reason I was trying to wait for him.

Mr. RAUH. We would like to go ahead with this, and the charge was made and this document refute the charge and it does seem to us only fair that we not wait until tomorrow and allow the additional time in which to catch up with the story.

Senator GOLDWATER. Mr. Chairman, we have no objection to this being made a part of the record. It is going to be made a part of the record sooner or later anyway, so I see no objection.

The CHAIRMAN. That wasn't the question, but for him to make statements here about it, I thought Senator Mundt should be here.

Senator CURTIS. I would like to ask a question or two in the way of foundation.

The CHAIRMAN. Without objection, this may be made an exhibit.

Senator CURTIS. First I want to ask a question about the foundation here. Now, this is the death certificate of what individual?

Mr. RAUH. Mr. William Bersch.

Senator CURTIS. What is his street address?

Mr. RAUH. 105 Poplar Street.

Senator CURTIS. Now in order to ascertain whether or not this is the same man that Senator Mundt was talking about, I want to ask you this: Is this man whose death certificate you are offering here the individual that was assaulted by Gunaca?

Mr. RAUH. This is the individual who, it is alleged, was assaulted by Gunaca. He has never been tried, so that if the question is whether this is the man as to whom there is an allegation of assault, this man died of a congestive failure or a heart disease.

Senator CURTIS. Just a minute, please. There seems to be a dispute here what the immediate cause of death is.

Mr. RAUH. There doesn't seem to be any dispute to me. This document says clearly what the cause of death was.

Senator CURTIS. What I want to know is this: Is this the death certificate of the individual that was assaulted by Gunaca?

Mr. RAUH. This is the death certificate—

Senator CURTIS. Just a minute. If it is that, I have no objection to it being entered. If it is not the death certificate of the man that was assaulted by Gunaca, it is entirely irrelevant.

Mr. RAUH. This is the death certificate of the man who was alleged to have been assaulted by Gunaca, and if I may add, Senator Curtis, the position taken this morning by Senator Mundt is contrary to the position taken by the company, because Mr. Conger testified at the NLRB hearing as follows.

Referring to Mr. Bersch, Sr., he said:

I have a letter from his doctor who says he is in such condition—not as a result of this episode—but he is in such condition that he would not be in a position of being called as a witness without danger to himself.

In other words, Senator, the charge made by Mr. Mundt this morning is not even backed up by the company.

Senator CURTIS. But I have a simple question here, and you know the answer to it, and you keep on equivocating. Is this the man that was assaulted by Gunaca?

Mr. RAUH. I am not equivocating. I am an attorney and I believe a man is innocent until he is proved guilty. This is the man that is alleged to have been assaulted by Gunaca.

Senator CURTIS. Was he?

Mr. RAUH. Senator Curtis, as a lawyer, you know that I cannot answer that question. I don't have the vaguest idea. I believe in the presumption of innocence.

Senator CURTIS. I don't think any of you fellows have the vaguest idea what went on in Kohler, and I think you are all innocent as lambs.

The CHAIRMAN. Is there any objection to the document?

Senator GOLDWATER. I have no objection. But just as an observation, in my library at home I have a lot of old papers from Tombstone, Ariz., and they always describe the death as a result of hanging from asphyxiation, and a man who was shot usually died because of lead poisoning.

Mr. RAUH. Senator Goldwater, this document is written not by a State official, and not by a union official, but by Mr. Bersch's doctor. It seems to me that that can be relied upon, Senator Goldwater.

Senator GOLDWATER. We are not arguing that, and I think if the State of Michigan would ever release Mr. Gunaca, I think this whole question could be settled up in a hurry. And I am not from Michigan, so we will let Michigan decide that. We have no objection to that.

Mr. RAUH. The question, Senator Goldwater, is this: Mr. Mundt used the term this morning "murder" and this document shows, as I charge, that that was a distortion.

Senator CURTIS. Now, Mr. Rauh, you are a lawyer and you know that is not conclusive.

Mr. RAUH. I can't think of anything more conclusive than the statement of the doctor who attended the man.

Senator CURTIS. As a matter of law you know that that is not conclusive, and that is not binding on the prosecution, and it is not binding on a jury, and it is not binding upon any subsequent inquiry that is made into it.

Many prosecutions for the unlawful killing are instigated long after a death certificate is signed and the man is buried.

Mr. RAUH. Not by the man's private physician here, and he is always credited because he is always considered to be doing whatever is favorable to the man.

Senator CURTIS. That is the man that has to sign the death certificate. You know, as a matter of law, that that is not conclusive; don't you?

Mr. RAUH. On the contrary, I say it is conclusive that there was no such thing as Senator Mundt charged from the fact that the personal doctor of the man alleged to be involved, the personal doctor of this man Bersch, has stated to the State of Wisconsin that he died of something else, and I think that in addition to this you and Senator Mundt and Senator Goldwater are taking a position that goes even beyond the position of the company.

I think one at least ought to limit the position up here to the position taken by the Kohler Co., and not go beyond it.

Senator CURTIS. I haven't taken any position on it.

Mr. RAUH. I feel differently about the questions you have asked, and it seems to me you have taken a position.

Senator CURTIS. I have asked you several questions and all I get is some rambling of words. That is all, Mr. Chairman.

The CHAIRMAN. Is there any objection to this certificate being made an exhibit?

If not, it will be made exhibit No. 26.

(Document referred to was marked "Exhibit No. 26" for reference, and will be found in the appendix on p. 8744.)

The CHAIRMAN. If there is anything false about it, or any evidence to establish that fact, if we learn of it, we will bring the evidence in.

Mr. RAUH. Mr. Chairman, I would like to point out that on this document the date of death is October 21, 1955. The alleged occurrence is July 4, 1954. It is almost 16 months apart.

The CHAIRMAN. All right. It speaks for itself.

Call the next witness.

Mr. KENNEDY. Wilmer G. Mentink.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MENTINK. I do.

TESTIMONY OF WILMER G. MENTINK

The CHAIRMAN. State your name, and your place of residence, and your business or occupation?

Mr. MENTINK. My name is Wilmer Mentink, and I live at Adell, Wis., and I work at the Kohler Co.

The CHAIRMAN. Do you waive the right to have counsel present when you testify?

Mr. MENTINK. Pardon me?

The CHAIRMAN. Do you think that you need a lawyer to represent you while you testify?

Mr. MENTINK. I don't think so, and I cannot hear very well.

The CHAIRMAN. That is not generally the function of a lawyer, to help you hear. We will try to help you, if you don't want a lawyer.

All right, proceed.

Mr. KENNEDY. Mr. Mentink, you have been working at the Kohler Co. for how long?

Mr. MENTINK. Since August 2, 1954.

Mr. KENNEDY. You came in after the strike started?

Mr. MENTINK. Yes.

Mr. KENNEDY. When they were hiring people to replace the strikers?

Mr. MENTINK. That is right.

Mr. KENNEDY. And you came to work for the Kohler Co. then?

Mr. MENTINK. That is right.

Mr. KENNEDY. What department did you work in?

Mr. MENTINK. I worked in the gasket finishing.

Mr. KENNEDY. You have three daughters, do you not?

Mr. MENTINK. I have four daughters in all.

Mr. KENNEDY. And on October of 1954, you had a daughter 16 years old who was at home?

Mr. MENTINK. Yes, sir.

Mr. KENNEDY. Can you tell the committee what happened on that night, as she related it to you?

Mr. MENTINK. Well, at around approximately 7 o'clock we left home, and my daughter was home alone.

Mr. KENNEDY. Your daughter was what?

Mr. MENTINK. My daughter was home alone, and we had left home. My daughter was home alone.

Somewhere in the vicinity between 8 and 9, somebody shot through my window.

Mr. KENNEDY. Now, did your daughter hear anything other than the shot?

Mr. MENTINK. No, she did not.

Mr. KENNEDY. She didn't hear a car or anything?

Mr. MENTINK. No.

Mr. KENNEDY. Did she notice or see a car?

Mr. MENTINK. She had seen a car, yes, sir.

Mr. KENNEDY. It was a strange car driving by?

Mr. MENTINK. Yes, sir.

Mr. KENNEDY. But there was a shot? Where did the shot come from?

Mr. MENTINK. It came from the south.

Mr. KENNEDY. From the south side?

Mr. MENTINK. Yes, sir.

Mr. KENNEDY. Was that into the living room?

Mr. MENTINK. Into the living room.

Mr. KENNEDY. And could that have hit your daughter?

Mr. MENTINK. Yes, it could have.

Mr. KENNEDY. Now, where did the shot go, all through the living room?

Mr. MENTINK. All through the living room.

Mr. KENNEDY. Was she sitting in the living room?

Mr. MENTINK. No, she was not at the time.

Mr. KENNEDY. Where was she sitting?

Mr. MENTINK. She had seen a man walk outside, and we instructed the girl if she saw anybody walking around the building she should go into the bathroom.

Mr. KENNEDY. She was in the bathroom?

Mr. MENTINK. At the time the shot was fired, yes.

Mr. KENNEDY. And the shot came into the living room and did it hit the draperies and hit the wall?

Mr. MENTINK. Hit the draperies and hit the wall.

Mr. KENNEDY. Why had you instructed her to go in the bathroom?

Mr. MENTINK. Because we had heard of other vandalism in other places.

Mr. KENNEDY. Had you received any threats yourself?

Mr. MENTINK. No, we had not.

Mr. KENNEDY. You had not received any telephone calls?

Mr. MENTINK. No.

Mr. KENNEDY. And after she went into the bathroom, she heard the shot fired?

Mr. MENTINK. She heard the shot.

Mr. KENNEDY. And she came out of the bathroom?

Mr. MENTINK. Yes, sir.

Mr. KENNEDY. Did she call the sheriff?

Mr. MENTINK. Yes, sir.

Mr. KENNEDY. And the sheriff came over?

Mr. MENTINK. That is right.

Mr. KENNEDY. Were you able to ever find out who was responsible?

Mr. MENTINK. No, we have not.

(At this point, the following members were present: Senators McClellan, Ervin, Curtis, and Goldwater.)

Mr. KENNEDY. Were you able to find a shotgun shell?

Mr. MENTINK. No, we haven't.

Mr. KENNEDY. And they never arrested anybody in connection with it?

Mr. MENTINK. They did not.

Mr. KENNEDY. Did they make an investigation?

Mr. MENTINK. Very slight.

Mr. KENNEDY. What was the damage that was done to your home?

Mr. MENTINK. In dollars or cents?

Mr. KENNEDY. Did you have insurance?

Mr. MENTINK. Yes, we have insurance.

Mr. KENNEDY. Would you tell approximately how much the damage was?

Mr. MENTINK. Some of the damage we have not seen a bill for, but for the interior it was approximately \$50.

Mr. KENNEDY. About \$50?

Mr. MENTINK. Yes.

Mr. KENNEDY. Did you get that all from the insurance company?

Mr. MENTINK. Yes.

Mr. KENNEDY. Did you receive any money from the Kohler Co.?

Mr. MENTINK. No.

The CHAIRMAN. I present you with a series of photographs, some 7 or 8, and ask you to examine them and state if you identify them. (The photographs were handed to the witness.)

The CHAIRMAN. Do you identify them?

Mr. MENTINK. They are all pictures of my home.

The CHAIRMAN. Pictures of your home?

Mr. MENTINK. That is right.

The CHAIRMAN. Do they reflect the damage that was done to your property?

Mr. MENTINK. That is right.

The CHAIRMAN. They may be made exhibit No. 27-A, B, C, and so forth.

(The documents referred to were marked exhibits Nos. 27-A-G for reference and may be found in the files of the select committee.)

The CHAIRMAN. Are there any further questions?

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Do you know of anyone else who was molested in their home along the line you were?

Mr. MENTINK. Yes.

Senator CURTIS. Do they work at Kohler?

Mr. MENTINK. They do.

Senator CURTIS. Were they strikers?

Mr. MENTINK. No, they were not.

Senator CURTIS. Do you know of any strikers that did have their home fired upon?

Mr. MENTINK. I do not.

Senator CURTIS. When did this happen?

Mr. MENTINK. October 31, 1954.

Senator CURTIS. Were you satisfied with the thoroughness and diligence of the efforts of the sheriff?

Mr. MENTINK. No, I was not.

Senator CURTIS. What date did you say this was?

Mr. MENTINK. October 31, 1954.

Senator CURTIS. Just a little while before election, wasn't it?

Mr. MENTINK. That is right.

Senator CURTIS. Did you know that about 30 days before that, the UAW had helped finance his campaign for reelection?

Mr. MENTINK. No, I did not.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. Are there any other questions? Senator Ervin.

Senator ERVIN. I do not remember when it was you said you started to work for Kohler.

Mr. MENTINK. When I started working for the Kohler Co.?

Senator ERVIN. Yes.

Mr. MENTINK. October 2, 1954.

Senator ERVIN. In other words, this shot was fired at your house just a few days after you started working for Kohler?

Mr. MENTINK. That is right.

The CHAIRMAN. Didn't it scare you and cause you to quit work?

Mr. MENTINK. No, it did not.

The CHAIRMAN. You are still working?

Mr. MENTINK. I am working.

The CHAIRMAN. Thank you very much. Call the next witness.

Mr. KENNEDY. Marvin J. Harder.

(At this point, the following members were present: Senators McClellan, Ervin, Curtis, and Goldwater.)

The CHAIRMAN. Mr. Harder, you do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. HARDER. I do.

TESTIMONY OF MARVIN J. HARDER

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. HARDER. My name is Marvin J. Harder. I live at 228 North 11th Street, Sheboygan, Wis., and I am employed at the Kohler Co.

The CHAIRMAN. Do you waive the right to counsel?

Mr. HARDER. No, I don't.

The CHAIRMAN. Do you want a lawyer to represent you while you testify?

Mr. HARDER. No.

The CHAIRMAN. Then you waive it. In other words, you don't want one?

Mr. HARDER. No.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Harder, as of 1954, at the time the strike started at the Kohler plant, you had been working at the company for how long?

Mr. HARDER. Since February 18, 1947.

Mr. KENNEDY. What work had you been doing at the Kohler Co.?

Mr. HARDER. Well, before the strike I worked in the die cast in brass.

Mr. KENNEDY. What did you work on after you got back to work?

Mr. HARDER. Bathtub crating.

Mr. KENNEDY. The what?

Mr. HARDER. Bathtub crating.

Mr. KENNEDY. When the UAW came into the plant, did you join up with the UAW?

Mr. HARDER. I didn't right away.

Mr. KENNEDY. Did you subsequently?

Mr. HARDER. Well, I was more or less forced into it later on.

Mr. KENNEDY. How were you forced into it?

Mr. HARDER. Well, the fellows in the shop would talk to me, and more or less not actually a threat, but said it would be better if I would join, for my own good.

Mr. KENNEDY. So you felt this was an implied threat to you?

Mr. HARDER. Well, I just figured it would be better if I did, at the time.

Mr. KENNEDY. So you joined up?

Mr. HARDER. Yes.

Mr. KENNEDY. How long did you remain a member?

Mr. HARDER. One month.

Mr. KENNEDY. And when they went out on strike, you did not support the strike?

Mr. HARDER. No, I didn't.

Mr. KENNEDY. But you did not go through the mass picket line?

Mr. HARDER. Well, I had been there on different occasions and looked it over and seen I wouldn't get in, so I went home again.

Mr. KENNEDY. Because there were so many people outside, you felt it would be impossible to get through the picket line?

Mr. HARDER. That is right.

Mr. KENNEDY. It would be useless to even try to get through the picket line?

Mr. HARDER. I figured it would be healthier to stay away.

Mr. KENNEDY. On May 6 and 7, there was a temporary recess in the mass picketing. You went to work those two days?

Mr. HARDER. Yes, I did.

Mr. KENNEDY. And subsequently when the mass picketing ended completely, you went back to work then, is that right?

Mr. HARDER. Yes.

Mr. KENNEDY. On December 30, 1955, did you hear something after you and your wife had retired? Did you hear something out in the yard?

Mr. HARDER. Yes. Approximately 10 or 15 minutes after we went to bed, we heard a loud noise.

Mr. KENNEDY. What did you think it was?

Mr. HARDER. We looked out the window and we didn't see anything or hear any more, so we just let it go at the time being and went back to bed.

Mr. KENNEDY. The next morning did you find out what had happened?

Mr. HARDER. Yes; as I went out—it was dark in the morning. I went out to go to work and I noticed a funny appearance of my car, so I went back and got a flashlight and looked at it and I noticed that all the windows in the car had been broken.

Mr. KENNEDY. Do you know who was responsible for that?

Mr. HARDER. No; I don't.

Mr. KENNEDY. Did you report it to the police?

Mr. HARDER. Yes; I did.

Mr. KENNEDY. Did they come to your home?

Mr. HARDER. Yes. They came over and looked at the car and took down notes and asked different questions about it.

Mr. KENNEDY. Did they ever arrest anyone?

Mr. HARDER. Not to my knowledge.

Mr. KENNEDY. Was that the police department?

Mr. HARDER. The police department of Sheboygan.

Mr. KENNEDY. Were you satisfied with their investigation?

Mr. HARDER. Well, I think they could have gone a little further, but I think they knew as much as I did, and I didn't see anybody.

Mr. KENNEDY. Nobody was arrested in connection with it?

Mr. HARDER. No.

Mr. KENNEDY. Did you feel the damage to your automobile arose out of this strike situation?

Mr. HARDER. I would feel that way; yes.

Mr. KENNEDY. What was the damage that was done to your car?

Mr. HARDER. As far as money was concerned, I don't know, because I had insurance. I never seen the bill.

Mr. KENNEDY. The insurance company took care of it?

Mr. HARDER. Yes.

Mr. KENNEDY. Was there any other damage to your car or anything else that happened to you in connection with this strike?

Mr. HARDER. Well, three different times I had some shots at the front of my house.

Mr. KENNEDY. You had what?

Mr. HARDER. Somebody shot at the front of my house. They tried to hit at the picture window but they never did hit.

Mr. KENNEDY. Where did they hit?

Mr. HARDER. They hit once on each side and once on the top.

Mr. KENNEDY. What kind of shots were they?

Mr. HARDER. One was a stone.

Mr. KENNEDY. Somebody threw a stone?

Mr. HARDER. Somebody threw, according to the appearance and the indentation, what must have been a stone. One was a lead slug that the police department picked up.

Mr. KENNEDY. What was the third?

Mr. HARDER. We never found the third at all.

Mr. KENNEDY. So they were gunshots or they threw something at your home; is that right?

Mr. HARDER. Yes.

Mr. KENNEDY. On three different occasions?

Mr. HARDER. Yes.

Mr. KENNEDY. Was anybody arrested in connection with those?

Mr. HARDER. No.

Mr. KENNEDY. Did you receive telephone calls?

Mr. HARDER. Quite a number of them.

Mr. KENNEDY. What did they say in the telephone calls?

Mr. HARDER. In some of them they would call me a scab and things like that and in others they wouldn't say anything.

Mr. KENNEDY. You would just pick up the phone?

Mr. HARDER. Pick up the phone and you would hear nothing and they would hang up on the other end.

Mr. KENNEDY. When did those telephone calls come?

Mr. HARDER. In the first year or year and a half of the strike.

Mr. KENNEDY. For the whole period of time of a year and a half of the strike?

Mr. HARDER. Most of that time.

Mr. KENNEDY. When would they come? At night?

Mr. HARDER. Most of them would come after we turned the lights out and went to bed.

Mr. KENNEDY. Would they call maybe two or three times in one night?

Mr. HARDER. Sometimes.

Mr. KENNEDY. Would they talk to your wife also?

Mr. HARDER. If she would answer, sometimes they wouldn't say anything and sometimes they would.

Mr. KENNEDY. Did you ever recognize any of the voices?

Mr. HARDER. No, I didn't.

The CHAIRMAN. I present to you a series of four pictures and ask you to examine them and state if you identify them.

(The photographs were handed to the witness.)

Mr. HARDER. Those are pictures of my car.

The CHAIRMAN. Those are pictures of your car, showing the damage that was done to it?

Mr. HARDER. That is right.

The CHAIRMAN. They may be made exhibit No. 28-A, B, C, and D.

(The documents referred to were marked "Exhibits Nos. 28-A, B, C, and D" for reference, and may be found in the files of the select committee.)

The CHAIRMAN. Is there anything further?

Have you any questions, members of the committee?

Senator CURTIS. How many nights do you think you were tormented with the telephone calls?

Mr. HARDER. That would probably run in the number of 20 to 25 different nights.

Senator CURTIS. And how many different occasions was your house either fired upon or had rocks thrown at it?

Mr. HARDER. Three times.

Senator CURTIS. Three times.

Was all of this prior to the damage done to your car?

Mr. HARDER. Yes, they were.

Senator CURTIS. Did you feel that there was a connection between your telephone calls you received and the rocks, if they were rocks, and shooting and the damage to your car?

Mr. HARDER. Yes, I believe I do.

Senator CURTIS. Do you know of anybody else that was harassed, who had their property damaged, such as you did?

Mr. HARDER. Yes, I know of a few of my friends and fellows I work with.

Senator CURTIS. Where do they work?

Mr. HARDER. Kohler.

Senator CURTIS. Are they strikers?

Mr. HARDER. No, they are not.

Senator CURTIS. Did it always happen to the nonstrikers? Is that right?

Mr. HARDER. To my knowledge it did.

Senator CURTIS. You don't know of it ever happening to anybody that was on strike?

Mr. HARDER. No, I don't.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Call the next witness.

Mr. KENNEDY. Ewald Guske.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GUSKE. I do.

TESTIMONY OF EWALD GUSKE, ACCOMPANIED BY COUNSEL RAUH

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. GUSKE. My name is Ewald Guske, 2222 North 18th Street, Sheboygan, Wis.

The CHAIRMAN. What is your business or occupation, please?

Mr. GUSKE. I am on strike.

The CHAIRMAN. You are a what?

Mr. GUSKE. I am a striker. I am on strike.

The CHAIRMAN. You are on strike?

Mr. GUSKE. Yes, I am on strike.

The CHAIRMAN. I see.

Mr. GUSKE. Yes. For about 4 years.

The CHAIRMAN. You were formerly an employee of Kohler, were you?

Mr. GUSKE. That is right.

The CHAIRMAN. You have counsel present to represent you?

Mr. GUSKE. No. I want to tell the truth and nothing but the truth. I can defend myself.

(The witness conferred with counsel.)

Mr. RAUH. He says he does not hear very well.

The CHAIRMAN. Counsel, I believe your services are declined.

Mr. RAUH. He said he does not hear very well. Would you repeat the question?

The CHAIRMAN. I ask if you have counsel present to represent you?

Mr. GUSKE. Yes.

The CHAIRMAN. Let the record show Mr. Rauh represents the witness.

Proceed.

Mr. KENNEDY. Mr. Guske, you live in Sheboygan, Wis.?

Mr. GUSKE. Yes.

Mr. KENNEDY. And you worked for the Kohler Co. for how long?

Mr. GUSKE. For 18 years.

Mr. KENNEDY. And you became a member of the UAW?

Mr. GUSKE. Yes.

Mr. KENNEDY. You joined the UAW when they affiliated?

Mr. GUSKE. Yes.

Mr. KENNEDY. With the KWA. Is that right?

Mr. GUSKE. I belonged to the KWA also.

Mr. KENNEDY. Then you joined the UAW?

Mr. GUSKE. Then I joined the UAW.

Mr. KENNEDY. Where had you worked at the Kohler Co.?

Mr. GUSKE. In pottery packing.

Mr. KENNEDY. In the what?

Mr. GUSKE. In pottery packing.

Mr. KENNEDY. You went out on strike with the union?

Mr. GUSKE. Yes, I went on strike.

Mr. KENNEDY. Did you join the pickets?

Mr. GUSKE. Yes.

Mr. KENNEDY. And you were one of those who joined in the mass picketing?

Mr. GUSKE. Yes.

Mr. KENNEDY. Who did you receive your instructions from in the mass picketing?

Mr. GUSKE. Well, we received from nobody. We were ordered on the picket line we felt so everybody is entitled to go on the picket line. I more or less walked around and I watched a lot of activities in front, and I did not see really anything wrong when people across the street tried to get into the plant.

But it seemed to me as if this whole thing was just figured out right. Pictures were taken from the top of the buildings, from all over, and when people came close to the line, it was only a handful, they were back and forth. I think deep in my heart, if this line, of Mr. Capelle, the chief of police, had had 90 deputies, if he had opened up the line, I think there would have been nothing said.

I think they would really let them go through. I don't think them people don't want to go to work. That is what my opinion is.

Mr. KENNEDY. When you were on the picket line and were a picket, did you receive any telephone calls?

Mr. GUSKE. No, I did not receive no telephone calls, no.

Mr. KENNEDY. Did you receive any property damage?

Mr. GUSKE. Yes. My car was sprayed on August 28, something, 1956.

Mr. KENNEDY. What happened?

Mr. GUSKE. I was picketing on gate 7, and when the Kohler workers came out of the plant, bumper to bumper, they come out around 4 o'clock, then somebody opened the window and looked through the window, and hollered, "You goldarn goon, you can walk here until doomsday, we got your job, we got a nice job. You can walk until doomsday," and they pointed something to me.

It looked to me like it was a spray gun, a water pistol or something. My car was parked right alongside the road. After a while, when the crowd was out, about 10 or 15 minutes later, I walked to the car and I seen the whole car was sprayed with acid. It looked like a checkerboard.

Mr. KENNEDY. Did you identify any of the people?

Mr. GUSKE. No, sir; I did not. They must have been outside. I know most of the people that used to work there at Kohler.

Mr. KENNEDY. What did you do about your automobile?

Mr. GUSKE. Well, I went home and took some polish, some cleaner, and tried to clean it off, because I just had a new paint job on the car before, and I tried to clean my car as much as I could. But it still was all checkered, all spotted.

Mr. KENNEDY. What had been thrown on it, or what had been sprayed on it? Some kind of acid?

Mr. GUSKE. Some kind of acid, yes.

Mr. KENNEDY. You are still on strike?

Mr. GUSKE. I am still on strike, yes.

Mr. KENNEDY. What compensation do you receive, or what do you live on at the present time?

Mr. GUSKE. I get \$39 a week assistance from the UAW.

Mr. KENNEDY. \$39 a week?

Mr. GUSKE. Yes.

Mr. KENNEDY. You can't find any other job?

Mr. GUSKE. No, sir. I am 55 years old. Where will you go? They don't want no old people. I worked all my life in the Kohler Co., for 18 years.

Before that I worked 5 years before it. Nobody wants people when they are 55 years old.

Mr. KENNEDY. You have been on strike now for 4 years?

Mr. GUSKE. Yes.

Mr. KENNEDY. It is almost 4 years next month?

Mr. GUSKE. Yes.

Mr. KENNEDY. And the union has been paying this \$39 a week?

Mr. GUSKE. That is right.

Mr. KENNEDY. Do you have any family?

Mr. GUSKE. I got five children; yes. My oldest boy is a sergeant in the National Guard and the other four are home.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Do you still picket the plant?

Mr. GUSKE. Yes. No; not right now. I am director of local 833 chorus. We travel a lot over the country and have a lot of activity, singing for a lot of groups, like campaigns for soldiers.

The CHAIRMAN. You are director, you say, of the UAW chorus?

Mr. GUSKE. Yes.

The CHAIRMAN. Do you spend a great deal of your time entertaining, traveling?

Mr. GUSKE. Yes. We travel around the soldiers, in Camp Haven; we go to Rocky Knoll, the fine people there, sitting there with silicosis. It is a shame to look at people like that. We went out to Good Hope Hospital, a couple of times. We traveled to New York, when the merger convention was in New York, A. F. of L. and CIO.

We sing for Christmas parties for the poor children running around in Sheboygan, who are on strike. They are really thankful when the occasion comes around like Christmas time, and we can sing for the children, and they can receive a fine stocking and go home with a smile, that somebody really thinks of the children.

The CHAIRMAN. Are there any further questions?

Senator CURTIS. Did you report the damage to your car to the police?

Mr. GUSKE. No, sir; I did not. I did not want to have my name connected in no paper. I took the consequences myself.

Senator CURTIS. Do you know of any other property damage?

Mr. GUSKE. Well, I witnessed a lot of property damages where people tell us here they got shot through the windows and stuff like that.

Senator CURTIS. You witnessed stuff like that?

Mr. GUSKE. No, I went after a while, when the paint bombs was thrown, and whatever you call them, and they blamed us for it. Every time they blame the goons, and what do you call us?

Senator CURTIS. I was not trying to blame anybody. I asked if you knew any other property being damaged besides your own car.

Mr. GUSKE. Well, not that I recall right now.

Senator CURTIS. Did you hear about any?

Mr. GUSKE. Yes; I heard a lot of them.

Senator CURTIS. You knew some of those people?

Mr. GUSKE. No; I did not.

Senator CURTIS. How long have you lived around there?

Mr. GUSKE. In Sheboygan?

Senator CURTIS. Yes.

Mr. GUSKE. I came to this country in 1927, and I lived from 1927 until now.

Senator CURTIS. There was other property damaged besides your own car damaged; isn't that correct?

Mr. GUSKE. Yes; there was, yes.

Senator CURTIS. What was it? Who else was damaged?

Mr. GUSKE. A lot of other cars was painted. I remember now I seen a lot of cars, like Kalupa's car, I think.

Senator CURTIS. Who was that?

Mr. GUSKE. There was a couple of strikers whose cars was damaged. I just can't remember the names. I seen a few, anyhow 3 or 4 cars, which was painted and destroyed.

Senator CURTIS. Where did that happen?

Mr. GUSKE. Well, on the picket line or in Sheboygan area there, by houses. I imagine when they parked their cars in front of their house.

Senator CURTIS. Did you have your car repaired?

Mr. GUSKE. Yes.

Senator CURTIS. What did it cost?

Mr. GUSKE. Well, I done it myself. I polished it myself. I rubbed all the paint off. After awhile I had my car painted.

Senator CURTIS. You did that yourself?

Mr. GUSKE. Yes.

Senator CURTIS. You did that part in the mass picketing?

Mr. GUSKE. Yes.

Senator CURTIS. Were you present at any of these occasions that they referred to as home demonstrations?

Mr. GUSKE. No; I never went there, no.

Senator CURTIS. Did you hear about any?

Mr. GUSKE. Yes; I heard about them.

Senator CURTIS. Did you hear about any before they happened?

Mr. GUSKE. No. No; I was not interested in that kind of stuff.

Senator CURTIS. Did you visit any homes that had been fired into with shotguns and other damage done?

Mr. GUSKE. Yes; I did.

Senator CURTIS. Whose home did you visit?

Mr. GUSKE. I remember I visit the Curtis home, when a shotgun was blast through a window. We were on picket line No. 1. A few people, the pickets, said, "Let's go out, drive out, and take a look at that accident."

So we drove out. We drove past the building very slow, I drove my car. I had a couple of fellows working out of Kohler now, good friends of mine. And they are today. I am not mad at anybody.

When we drove by there it was around—I couldn't say the time, but I imagine 11 o'clock, or between 10 and 11 o'clock, and there was Mr. Kohler and Mr. Beaver standing in the house, looking at the shot, laughing and cheering. I don't know what was to laugh about, because it was just another incident to break off the negotiations.

That was the whole trouble. And to destroy the people of Sheboygan, the fine people what we really love so dear, and we build up the city to the extent. Here today we got to walk off, and walk on a picket line, and don't belong to somebody. It is a crime.

Senator CURTIS. Did you see anybody else's home that had been fired upon?

Mr. GUSKE. Well, I did see paint bombs that were thrown on the side, on the door or something like that.

Senator CURTIS. At whose home?

Mr. GUSKE. Somewhere close to the bridge. I did not know the people.

Senator CURTIS. You did not know the people?

Mr. GUSKE. No.

Senator CURTIS. Did you read about quite a little violence going on?

Mr. GUSKE. Yes, I did. It was all directed at us. Everything was directed. I can't see why anybody could direct all the violence toward the strikers, the fine people we honestly got in Sheboygan. We get everything. Nobody can prove nothing.

I tell you, sir, before I walked out of the Kohler Co., before the strike, a foreman told me "You are old. Don't go on strike," I said, "Why not?"

"No, sir," he is saying—I should not say it, but honest to good it is the truth. I said, "I am going on strike." He said, "No, you are making a mistake. The company called all of their supervision in and told them the story of what is going on when the people walk out."

So—let me talk. He said, "I listened to the company and they told us if this union is going to go out on strike, they are going to stay out, because the company wants nothing to do with this UAW. We want our union back what we had before."

We had a shop union there. "That is what we want back." I said, "Well, I would like to see that."

"Well, you fool yourself."

So I walked out.

Senator CURTIS. You said you did not report this damage to the police. When did you report it to the union?

Mr. GUSKE. I told them about it. I did not report it to the union either.

Senator CURTIS. You did not report it to the union?

Mr. GUSKE. I did not testify in no other activities, either. But when it came here to the Senate, I want to speak a few words here and represent the fine people of Sheboygan. That is why I came here, because I have trust in my United States Government. I want to bring this before you gentleman here.

Like you said before, the one that is guilty should step forward and take the consequences, and not blame it on to everybody else.

Senator CURTIS. When did you first tell the union about it?

Mr. GUSKE. Maybe I told them about—we talked about it once, we will say, about 5 or 6 months ago. We talked about it.

Senator CURTIS. When did it happen?

Mr. GUSKE. It happened just about 2 days before the incident of Mr. Quaisus, and I took my car in.

Senator CURTIS. What month and what year was that?

Mr. GUSKE. That was 1956.

Mr. KENNEDY. August 28, 1956.

Senator CURTIS. That is all, Mr. Chairman.

Mr. GUSKE. I even stopped by Mr. Quaisus. He is a good friend of mine, too, I know him pretty good. I said, "Look here." He had a accident with a paint bomb. I said, "Look at my car." He said, "I don't want to have nothing to do with it."

It seems to me that this vandalism was used for every purpose, to break off negotiations, because the company did not like the union; it was even used for elections, because 1 or 2 days—no, it was the next day after the incident by Quaisus—there was big slips out with "vandalism," and they were preaching at the county fair "No more vandalism, vote for Crowe for sheriff."

That struck me. I thought "What the heck?" I thought we got a good police department in Sheboygan—we have a good police department in Sheboygan. They can take care of everything. We don't need excuses and vandalism, and throwing everything at us. And 6 months after the strike started, I met the superintendent on Eighth Street, who liked me very much.

He came to me and said, "Ewald, by golly, I am glad to see you. How are you?"

I said, "Very good."

He said, "Why don't you come back to the Kohler Co. We miss you."

I said, "No, I am not going to come back. I am going to wait until the strike is settled."

He said, "Ewald, the strike is all settled."

I said, "How do you know that?"

He said, "We got a meeting with the company. I know what you are talking about. We want nothing to do with the UAW."

Why direct everything to the UAW? If it was proven, I would not say nothing. But nothing is proven that the strikers are guilty of any of this activity. It is just to prolong this strike and destroy a fine bunch of people in the city of Sheboygan. They take their belongings, they are losing their home, they have to walk out and beg and cry for a job, and we could have this strike settled just before it started, but our good Mr. Conger, he don't want it.

He absolutely refuses it. I know. He was always that way, and he will be that way. It was the same with the KWA when we had that. We had a union, the KWA I used to be on the committee. I mean, I went along with the committee once.

We had trouble, because we had a lift combination at the end of the line that weighed about 120 to 130 pounds. We had to swing them up until our backs are breaking. We did not go along. We went upstairs, took the whole committee along, and the committee was there, with the Kohler representatives, and Conger just says, "No, no, definitely no."

Mr. Siddle told him, "Mr. Conger, I am sick of this. I got ulcers to my stomach. If you don't come through with something pretty soon and give the people a little more money," he said, "I am going to throw my hat in the UAW, and I am not going to take this no more."

Conger just starts, "Well, if you want to do that, go ahead. My story is no, and definitely no."

You don't know what trouble we went through all them years. I got experience, too. I am not talking out of my hat. I know what is going on. All this whole direction is just created to break that union and destroy our people.

I hope that you gentlemen take part in this and try to get the people back where they belong, because people what lived all their lives built up a fine city of Sheboygan, and maybe some of you gentlemen, you Senators, know Sheboygan.

Why should that city be destroyed because a company is stubborn? They don't like the union. We got nothing to do with the union. That is only our protection. We want a little contract with arbitration and grievance so we can have something to go by.

I listened to enough pounding around the bush and whitewash here. Nobody tells the truth. But I am telling you the honest good truth. I am talking, and I had a lot of talk with the people. I talk for the city of Sheboygan as a whole.

The CHAIRMAN. Do I understand that nobody is telling the truth down here?

Mr. GUSKE. I don't say that. I am just telling you the truth in my opinion, the way I see it. I watch the strike very closely. I am sorry. I tell you the truth here.

The CHAIRMAN. Is there anything further?

If not, thank you very much.

Call the next witness.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. QUASIUS. I do.

TESTIMONY OF LESLIE QUASIUS

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. QUASIUS. My name is Leslie Quasius, and I am president of Quasius Bros., Inc., contractors at Sheboygan, Wis.

The CHAIRMAN. Do you waive counsel, Mr. Quasius?

Mr. QUASIUS. I do.

Mr. KENNEDY. Now, you are the president of the Quasius Bros., Inc.?

Mr. QUASIUS. Yes, sir.

Mr. KENNEDY. That does general contracting work; is that right?

Mr. QUASIUS. Yes, sir.

Mr. KENNEDY. Now, were you doing some work for the Kohler Co.?

Mr. QUASIUS. We have worked for the Kohler Co. for 15 to 20 years, sir.

Mr. KENNEDY. You were doing some work in the company?

Mr. QUASIUS. Yes, sir.

Mr. KENNEDY. You were doing that while the strike was going on?

Mr. QUASIUS. No, sir; we stopped all construction in the plant the moment the strike began.

Mr. KENNEDY. Did you do anything after the strike started?

Mr. QUASIUS. Yes, sir; on one occasion we were called upon to place a temporary logging dock at the dock site. That was in April 1954.

Mr. KENNEDY. Were you doing some work there in 1956?

Mr. QUASIUS. We started a new construction program in 1956; yes, sir.

Mr. KENNEDY. And did you have any difficulty getting employees to work in the Kohler Co. at that time?

Mr. QUASIUS. No. Five of our regular union employees volunteered to assist me in the project.

Mr. KENNEDY. You asked for volunteers?

Mr. QUASIUS. I did.

Mr. KENNEDY. Because of the strike going on?

Mr. QUASIUS. Yes, sir.

Mr. KENNEDY. Were your employees with any union?

Mr. QUASIUS. Yes, sir; they are all union men.

Mr. KENNEDY. What union are they?

Mr. QUASIUS. They belong to various unions, the carpenters union, the hod carriers union, and masons union.

Mr. KENNEDY. How many employees did you have?

Mr. QUASIUS. I believe at that time we had about 70 employees.

Mr. KENNEDY. About 70?

Mr. QUASIUS. Yes, sir.

Mr. KENNEDY. And how many did work in the plant?

Mr. QUASIUS. I believe there were about seven, I believe. The supervisory employees do not have to belong to a union.

Mr. KENNEDY. You had about seven to volunteer?

Mr. QUASIUS. Yes, sir.

Mr. KENNEDY. Did you hire some outsiders?

Mr. QUASIUS. Yes, sir; I had about 25 other men.

Mr. KENNEDY. The rest of the men would not work in the plant?

Mr. QUASIUS. That is correct.

Mr. KENNEDY. So you had to go out and hire 20 or 25 other men?

Mr. QUASIUS. Yes, sir.

Mr. KENNEDY. You went to work and started your construction work in the plant?

Mr. QUASIUS. Yes, sir; we started in July, on July 30, somewhere around there.

Mr. KENNEDY. Now starting in August of 1956 or the middle of August 1956, did your employees who had volunteered as well as these other men, start receiving telephone calls?

Mr. QUASIUS. Very rarely. I think there was 1 or 2. It was not a practice.

Mr. KENNEDY. But some of them did?

Mr. QUASIUS. Some of them did; yes.

Mr. KENNEDY. Was there any vandalism or any property damage?

Mr. QUASIUS. No; there was no vandalism to any of the employees whatsoever.

Mr. KENNEDY. Was there any to your place of business?

Mr. QUASIUS. We had a very good one.

Mr. KENNEDY. Would you tell the committee what happened?

Mr. QUASIUS. It was the night of August 30, 1956, the evening in which it happened. I received a call at 7:15 the next morning from my brother, who opened the office, that we had been paint bombed.

Mr. KENNEDY. You had been paint bombed, and what did you find out when you went down there?

Mr. QUASIUS. What is that?

Mr. KENNEDY. What did you find out?

Mr. QUASIUS. I dashed over to the office immediately and I found every window in the place had been broken, or practically every one.

Mr. KENNEDY. Stones had been thrown through all of your windows?

Mr. QUASIUS. Five stones had been thrown in there.

Mr. KENNEDY. Did you find paint jars had been thrown through?

Mr. QUASIUS. There were a total of five paint jars that were thrown into the office. One did not break.

Mr. KENNEDY. And they contained red paint?

Mr. QUASIUS. That is right.

Mr. KENNEDY. Was the entire interior of your office splattered with this paint?

Mr. QUASIUS. They didn't miss a one.

Mr. KENNEDY. And the files, your papers, and your telephone and desk and walls and rugs and floor and everything?

Mr. QUASIUS. Everything.

Mr. KENNEDY. Everything was covered with red paint?

Mr. QUASIUS. That is right.

Mr. KENNEDY. That was in your office?

Mr. QUASIUS. It was our main office; yes, sir.

Mr. KENNEDY. What was the damage that you found, or what was the total?

Mr. QUASIUS. I believe I told Mr. Alderman, the insurance company paid us somewhere around one-thousand-five-hundred-and-eighty-some-odd dollars.

Mr. KENNEDY. The damage done to your office at that time was about \$1,500?

Mr. QUASIUS. That is correct.

Mr. KENNEDY. Through this paint bomb in your office, which followed after you took this contract from the Kohler Co.?

Mr. QUASIUS. That is right.

Mr. KENNEDY. What was the nature of the contract?

Mr. QUASIUS. \$300,000.

Mr. KENNEDY. And it was to construct what?

Mr. QUASIUS. It was to construct the locker and toilet-room facilities for, I believe, the shipping division.

Mr. KENNEDY. Did they apprehend or arrest anybody in connection with it?

Mr. QUASIUS. No one has ever been apprehended.

Mr. KENNEDY. Who made the investigation, as far as the law-enforcement officials?

Mr. QUASIUS. The local police department.

Mr. KENNEDY. Were you satisfied or dissatisfied with their investigation?

Mr. QUASIUS. I think that I had to be satisfied. They picked up the evidence, and I never saw them again.

Mr. KENNEDY. You do not know what happened?

Mr. QUASIUS. I do not know what happened.

Mr. KENNEDY. They only came to see you once?

Mr. QUASIUS. That is correct.

Mr. KENNEDY. Just the first day?

Mr. QUASIUS. The first morning.

Mr. KENNEDY. Were you able to identify anybody that had called or had you received any telephone calls?

Mr. QUASIUS. I have never received a call at any time.

Mr. KENNEDY. You would not know or you had no idea as to who was responsible?

Mr. QUASIUS. No.

Mr. KENNEDY. But you would believe it arose out of this fact that you had this contract?

Mr. QUASIUS. I would think so.

Mr. KENNEDY. It never happened before?

Mr. QUASIUS. It never happened before; no, sir.

Mr. KENNEDY. And you never had any problem like this?

Mr. QUASIUS. No, sir.

Mr. KENNEDY. It was just after you got this contract?

Mr. QUASIUS. That is right.

The CHAIRMAN. As I understood you, your regular employees are all members of unions.

Mr. QUASIUS. Yes, sir.

The CHAIRMAN. Different unions, depending upon their skills or their trades?

Mr. QUASIUS. That is correct.

The CHAIRMAN. And on this occasion, when you started to construct this property at the Kohler plant, you asked for volunteers among your union men to work?

Mr. QUASIUS. That is right.

The CHAIRMAN. I believe you said only seven volunteered?

Mr. QUASIUS. Five journeymen, and the others were supervisory employees not required under our laws to belong to the union.

The CHAIRMAN. You only had seven of your regular men, and five of those were members of the union?

Mr. QUASIUS. That is correct.

The CHAIRMAN. And you hired some 20 or 25 others?

Mr. QUASIUS. That is also correct.

The CHAIRMAN. How long was it after you got started on your work before this incident occurred?

Mr. QUASIUS. About 30 days, I would say.

The CHAIRMAN. Had you received any warning to get out or not to work?

Mr. QUASIUS. No, sir.

The CHAIRMAN. You never received any threat?

Mr. QUASIUS. No, sir.

The CHAIRMAN. It just happened?

Mr. QUASIUS. It just happened.

The CHAIRMAN. Is there anything further?

Senator CURTIS. You are a general contractor and builder?

Mr. QUASIUS. Yes, sir.

Senator CURTIS. It is a partnership?

Mr. QUASIUS. No, it is a corporation.

Senator CURTIS. And you had contracts to perform work for many people besides Kohler?

Mr. QUASIUS. Yes, sir.

Senator CURTIS. And you and your men were in no sense employees of Kohler?

Mr. QUASIUS. In no fashion whatsoever.

Senator CURTIS. You were independent contractors?

Mr. QUASIUS. Yes, sir.

Senator CURTIS. And what was the type of work which you were doing?

Mr. QUASIUS. The construction of a basement which will eventually be a 4- or 5-story building and it was a basement with a roof on it, or the first floor, which was to house the locker and toilet room and lunchroom facilities.

Senator CURTIS. And its construction would not add or detract from the strike either way?

Mr. QUASIUS. In no way.

Senator CURTIS. Do you know of any other reason why you might have had this damage done to your office, other than that?

Mr. QUASIUS. I can think of none.

Senator CURTIS. Now, were you subjected to any inconvenience beyond the dollars lost by reason of this?

Mr. QUASIUS. Not directly, I wouldn't say. We were paid for the damage to our office and we had already been insured but the job in the plant which would normally have been a 6-month job, took almost a year because of the difficulty we have experienced.

Senator CURTIS. Now, would you describe one of these paint cans?

Mr. QUASIUS. Actually, I did not see them, sir. When I arrived at the office at 7:15 the policemen were already picking up the debris, the stones and the broken bottles and the one complete bottle of paint had already been removed. I never actually saw them myself.

Senator CURTIS. All of this happened to one room of the office?

Mr. QUASIUS. Well, the general office is the large room and then the private offices led from them and one is mine and one is my brother's and apparently whoever broke the large glass in the door took careful aim and threw the jar completely into my office and it landed on the desk and broke the glass top and spattered all over my office, also.

Senator CURTIS. It was quite a mess?

Mr. QUASIUS. It was quite a mess.

Senator CURTIS. That is all.

Senator ERVIN. Am I correct in inferring that your office had no connection whatever with the Kohler Co.?

Mr. QUASIUS. That's correct. We were not their employees. We were doing work for them.

Senator ERVIN. You were situated in a different place entirely?

Mr. QUASIUS. That is correct.

Senator ERVIN. That is all.

The CHAIRMAN. I present you here a series, I think of 10 pictures and will you identify them, please?

(Documents were handed to the witness.)

Mr. QUASIUS. Yes, sir, these are all pictures of the damage done to our office.

The CHAIRMAN. Showing the conditions after the damage had been done?

Mr. QUASIUS. That is correct.

The CHAIRMAN. They may be made exhibit No. 29, A, B, C, and so forth.

(The documents referred to were marked exhibits Nos. 29-A through 29-J for reference and may be found in the files of the select committee.)

The CHAIRMAN. Is there anything further?

Mr. QUASIUS. I would like to add a thought to this thing, that we were warned, or not warned but we were asked by the Kohler Co. early in June as to whether we would consider a job of this type in the plant, knowing they were on strike.

I made inquiries of our business agents as to what I could expect so far as treatment from the local unions there. After a great deal of delay, and hemming and hawing, I interpreted their answer to be that it would be an optional situation for my employees. It was on that assumption that I undertook the contract at all.

The CHAIRMAN. You mean an optional situation?

Mr. QUASIUS. They could refuse to go in or go in as they pleased. That is so far as being penalized by their own local unions.

The CHAIRMAN. You said your business agents.

Mr. QUASIUS. The business agent is the man who handles or makes the contract or is my contact with the union proper, and he handles their affairs and draws their contracts.

The CHAIRMAN. You were under the impression when you began that you would have no trouble?

Mr. QUASIUS. I expected some trouble, but I didn't expect this much, sir.

The CHAIRMAN. Aside from the work here, the damage to your office, what other trouble did you experience?

Mr. QUASIUS. Well, the journeymen that I mentioned before that actually did go into the plant, once the job was completed, we were told they could not work on any other jobs of ours unless they had straightened out their affairs with the unions, and eventually they were all fined \$100 and up apiece.

The CHAIRMAN. They were fined \$100 apiece?

Mr. QUASIUS. That is right.

The CHAIRMAN. The unionmen of your regular employees who went in and worked?

Mr. QUASIUS. That is correct.

The CHAIRMAN. They were fined by their union \$100 apiece?

Mr. QUASIUS. That is right.

The CHAIRMAN. For crossing the picket line?

Mr. QUASIUS. That is correct, sir.

The CHAIRMAN. That applied to all five of them.

Mr. QUASIUS. That applied to five of them, yes, and the supervisory employees did not.

The CHAIRMAN. They are back in good standing and you are having no more trouble?

Mr. QUASIUS. Yes, sir; we paid the fines for them and we are in good standing, and they are normal now.

The CHAIRMAN. How about conditions generally in Kohler there?

Mr. QUASIUS. I did not understand that.

The CHAIRMAN. How about the general conditions there? Has vandalism now ceased?

Mr. QUASIUS. Apparently it has ceased almost entirely, sir. I don't think there has been an instance of vandalism within the last 6 or 8 months.

The CHAIRMAN. Apparently things are back to normal.

Mr. QUASIUS. Pretty close to it.

The CHAIRMAN. All right.

Mr. KENNEDY. Thank you.

The next witness is Fred Yurk.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. YURK. I do.

TESTIMONY OF FRED YURK

The CHAIRMAN. Will you state your name, and your place of residence, and your business or occupation?

Mr. YURK. I am Fred Yurk, and I live at 2417 South Ninth, Sheboygan, Wis.; employed by the Kohler Co., in the pottery division.

The CHAIRMAN. You waive the right to counsel; do you?

Mr. YURK. Yes, sir.

The CHAIRMAN. All right, Mr. Kennedy, you may proceed.

Mr. KENNEDY. Mr. Yurk, how long had you been working at the Kohler Co. at the time of the strike?

Mr. YURK. Well, I have worked there since 1929.

Mr. KENNEDY. Since 1929?

Mr. YURK. That is right.

Mr. KENNEDY. And you had not joined the UAW?

Mr. YURK. I did not.

Mr. KENNEDY. You disapproved of the UAW?

Mr. YURK. That is right.

Mr. KENNEDY. So when the strike began, you did not support the union?

Mr. YURK. I did not.

Mr. KENNEDY. And did not join the pickets?

Mr. YURK. No, sir.

Mr. KENNEDY. When the mass picketing ended, you returned to work, did you?

Mr. YURK. I did.

Mr. KENNEDY. Did you receive telephone calls then?

Mr. YURK. Quite a number of them.

Mr. KENNEDY. Could you relate what happened in those telephone calls and what was said to you?

Mr. YURK. Well, often times there wasn't anything said, and they would just call and hang up after someone answered, and other times there were remarks made over the phone that were worded so that they were insulting to the one who would answer them.

Mr. KENNEDY. Was that to your family, as well as to yourself?

Mr. YURK. It didn't make any difference who answered them.

Mr. KENNEDY. They would say that over the telephone?

Mr. YURK. That is right.

Mr. KENNEDY. Were you able to identify who it was that was calling you?

Mr. YURK. No.

Mr. KENNEDY. Now, on April 12, 1955, you were at home, on one Tuesday evening watching television?

Mr. YURK. That is right.

Mr. KENNEDY. And did your wife then come running in the house?

Mr. YURK. Yes, sir.

Mr. KENNEDY. Would you relate or recite what happened?

Mr. YURK. She came into the house, and said a car passed in front with the lights out, and someone opened the door and threw a lighted object under my car which was parked in front of the residence at that time.

My son was with me at the time, and I said, "Well, possibly it could be a cigarette," and she said, "No, I don't think so." So my son went out to investigate with a flashlight, and I went part way with him, but he hollered at me then and said, "Get back to the house. It is a stick of dynamite."

So, in the meantime, my wife went to the telephone to call the police department, and while she was talking to the police department the stick of dynamite went off and exploded.

Mr. KENNEDY. And the dynamite had been under your car?

Mr. YURK. That is correct.

Mr. KENNEDY. And there was great damage done to your automobile?

Mr. YURK. A complete wreck.

Mr. KENNEDY. It was made a complete wreck.

Mr. YURK. Yes, sir.

Mr. KENNEDY. What was the damage? Did you have it insured?

Mr. YURK. Yes, sir.

Mr. KENNEDY. What did you collect from the insurance company, do you remember?

Mr. YURK. Well, they replaced it with another car, and I added something to it and I replaced it with a later model car.

Mr. KENNEDY. Do you know approximately how much the value of the car was or how much damage was done, in other words?

Mr. YURK. Not in dollars and cents, no.

Mr. KENNEDY. Approximately?

Mr. YURK. Probably \$300 or better.

Mr. KENNEDY. Did the police come up?

Mr. YURK. They did.

Mr. KENNEDY. And did they make an investigation?

Mr. YURK. I guess so.

Mr. KENNEDY. Did they ever arrest anyone?

Mr. YURK. No, sir.

Mr. KENNEDY. Did you ever find out who was responsible for it?

Mr. YURK. I didn't.

Mr. KENNEDY. Did you feel that it arose out of this strike at the Kohler Co., the Kohler plant?

Mr. YURK. I felt so, definitely.

Mr. KENNEDY. You hadn't had any problems or trouble like this prior to the strike?

Mr. YURK. No.

Mr. KENNEDY. Did you have any other violence or vandalism?

Mr. YURK. No.

Mr. KENNEDY. This was the only thing that happened to you?

Mr. YURK. Well, I picked up some nails at the entrance, I would say, at the plant, in my tires several different times.

Mr. KENNEDY. Some nails were in the driveway when you were driving to and from the plant?

Mr. YURK. That is right.

Mr. KENNEDY. That and the dynamite put under your automobile, is that right?

Mr. YURK. That is right.

Mr. KENNEDY. Did the telephone calls continue?

Mr. YURK. For quite some time.

Mr. KENNEDY. Over how long a period of time do you think that you received the telephone calls?

Mr. YURK. Any hour of the day or night.

Mr. KENNEDY. They would come early in the morning after you went to bed?

Mr. YURK. There was no set pattern.

Mr. KENNEDY. But they would come after you went to bed?

Mr. YURK. That is right.

Mr. KENNEDY. That is all. Thank you.

The CHAIRMAN. I present you a series of pictures, and I will ask you to examine them and see if you identify them, please.

(Documents were handed to the witness.)

Mr. YURK. They are pictures of my car.

The CHAIRMAN. After the damage was done?

Mr. YURK. That is correct.

The CHAIRMAN. I notice there is one which apparently doesn't show any damage.

Mr. YURK. Which one is that, sir?

The CHAIRMAN. There is one apparently that showed no damage, about the center of them.

Mr. YURK. Is this the one you have reference to?

The CHAIRMAN. Yes.

Mr. YURK. This one was taken evidently at the police department and was taken from the opposite side and from the outside entirely, with the door closed, so the damage from that side would not be visible.

The CHAIRMAN. But the damage was on the other side of the car?

Mr. YURK. That is right.

The CHAIRMAN. And you say it was a complete wreck?

Mr. YURK. That is right.

The CHAIRMAN. This may be made exhibit No. 30, A, B, C, and D. (Documents referred to were marked "Exhibits No. 30, A, B, C, and D" for reference and may be found in the files of the select committee.)

Senator CURTIS. About how many nights did you get telephone calls?

Mr. YURK. We got quite a number of them.

Senator CURTIS. Extending over several weeks?

Mr. YURK. I would say at least several months or more.

Senator CURTIS. It didn't happen every night?

Mr. YURK. Not necessarily.

Senator CURTIS. Did these calls continue after your car was damaged?

Mr. YURK. Yes, and in fact, I got most of them after that.

Senator CURTIS. Do you know of anybody else who was harassed and had their property damaged like you did?

Mr. YURK. Yes, sir.

Senator CURTIS. Where did they work?

Mr. YURK. At the Kohler Co.

Senator CURTIS. Were they strikers?

Mr. YURK. No, sir.

Senator CURTIS. Do you know of any strikers that were victims of harassment and property damage such as you were?

Mr. YURK. I do not.

Senator CURTIS. I think that is all.

The CHAIRMAN. Are you still working at the plant?

Mr. YURK. I do.

The CHAIRMAN. Have things returned to something like normal there now?

Mr. YURK. Pretty close to it, I believe.

The CHAIRMAN. You still have pickets, I assume?

Mr. YURK. Oh, yes.

The CHAIRMAN. How about the relationship between the pickets and the employees who go in and out, is there any disturbance or any problem?

Mr. YURK. Well, I am not in as good a position as some of the other men, because I work a rotating shift, and so I don't always see them, but there are times when there are very few of them, 1 or 2 or 3 people, that is all.

The CHAIRMAN. All right. Thank you, sir.

Mr. KENNEDY. James Holsen.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HOLSEN. I do.

TESTIMONY OF JAMES J. HOLSEN

The CHAIRMAN. State your name, and your place of residence, and your business or occupation?

Mr. HOLSEN. James J. Holsen; I reside in Kohler Village, Wis.; employed by the Kohler Co.

The CHAIRMAN. You waive the right to counsel?

Mr. HOLSEN. I do.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Now, Mr. Holsen, how long have you worked at the Kohler Co.?

Mr. HOLSEN. Approximately 31½ years.

Mr. KENNEDY. When did you come to work for them?

Mr. HOLSEN. I believe it was in August of 1954.

Mr. KENNEDY. You came after the strike started?

Mr. HOLSEN. Yes, sir.

Mr. KENNEDY. This was when the mass picketing had ended?

Mr. HOLSEN. That is right.

Mr. KENNEDY. But the company was hiring people to replace the strikers; is that right?

Mr. HOLSEN. I had an application in at the Kohler Co. since 1951, and I had worked there a short period of time in 1953. I came back and I reapplied for a job in 1954, in August.

Mr. KENNEDY. This was when they were bringing in employees, new employees to take the jobs of the strikers, and take the place of the strikers; is that right?

Mr. HOLSEN. Well, I went out there to apply for a job.

Mr. KENNEDY. In August of 1954?

Mr. HOLSEN. Yes, sir.

(At this point, the following members of the committee were present: Senators McClellan, Curtis, and Goldwater.)

Mr. KENNEDY. After you went to work there, did you receive any telephone calls?

Mr. HOLSEN. I did.

Mr. KENNEDY. What kind of telephone calls did you receive?

Mr. HOLSEN. Well, the same type that you have been hearing here from the other fellows. In the early hours of the morning and late at night, I would get telephone calls, and I would be harassed over the telephone, called names, and sometimes nobody would talk at all, but just get you to the phone and then hang up.

Mr. KENNEDY. And say vulgar things in the telephone?

Mr. HOLSEN. That is correct.

Mr. KENNEDY. Call you scab?

Mr. HOLSEN. Abusive language and the like.

Mr. KENNEDY. And call you a scab?

Mr. HOLSEN. That is right.

Mr. KENNEDY. In October of 1954, did something happen to your automobile?

Mr. HOLSEN. Yes. I don't know for sure what night it happened. I believe it was around the 24th or 25th. I didn't know anything until I had actually gotten to work, and there was something on the front fender that looked like mud.

I looked it over and found there was acid sprayed on the side of the hood and around on the back of the car, which had damaged the paint.

Mr. KENNEDY. What did you do about that?

Mr. HOLSEN. I reported it to the company and to the police department.

Mr. KENNEDY. Did you get it repaired at that time?

Mr. HOLSEN. Yes.

Mr. KENNEDY. Did you have insurance?

Mr. HOLSEN. I had a later model car previous to that, and I was under the impression I was insured under the comprehensive part of that policy. However, my insurance man told me that they did not put the comprehensive on prewar cars, and I was not covered by insurance. I told this to the company, and they instructed me to get

estimates on how much the cost was to have the damage repaired, which I did. I was later reimbursed, I believe it was, \$50 for damage to the car.

Mr. KENNEDY. From the company?

Mr. HOLSEN. From the company.

Mr. KENNEDY. Did anything else happen to your automobile?

Mr. HOLSEN. It was again sprayed about a week later, the same car.

Mr. KENNEDY. Did you have insurance that time?

Mr. HOLSEN. I had not had it repaired from the first time, so there was no additional expense.

Mr. KENNEDY. The \$50 covered both bills?

Mr. HOLSEN. That is correct.

Mr. KENNEDY. Did you have anything happen to your car again?

Mr. HOLSEN. Well, shortly after that, I traded the car in and purchased a 1951 Lincoln automobile. I believe it was March 15, the night of March 15, that car was dynamited in front of my home.

Mr. KENNEDY. What happened?

Mr. HOLSEN. Well, it sounds kind of strange. Our bedroom is in back of the home. I was awakened by pounding on the door, at approximately 11:30 that evening. My next door neighbor, who was a woman striker, was pounding on the door telling me that I should come out, that my car had been blown up. I didn't know what to think. I kept looking out the door until I saw there was some policemen out there, and then I went up to see. They were right. The car had been blown up.

Mr. KENNEDY. A woman striker came and reported it to you?

Mr. HOLSEN. Yes. My next door neighbor.

Mr. KENNEDY. And you found that your car had in fact been blown up?

Mr. HOLSEN. That is correct.

Mr. KENNEDY. Did you collect insurance on that?

Mr. HOLSEN. Yes, I did.

Mr. KENNEDY. How much was that?

Mr. HOLSEN. I believe I paid \$1,250 for the car, and I got \$1,000 settlement from the insurance company.

(At this point, Senator Mundt entered the hearing room.)

Mr. KENNEDY. Did you ever find out who was responsible?

Mr. HOLSEN. No, I did not.

Mr. KENNEDY. Did anything else happen to your automobile?

Mr. HOLSEN. I did not have that car repaired. I let the insurance company take it because it was a pretty bad wreck. I purchased another automobile and I had it newly painted in the late part of June 1955. That car was in front of my residence on July 5, when the clay boat incident took place. That car was damaged to the amount of \$463 at that time.

Mr. KENNEDY. Was that when all this rioting went on?

Mr. HOLSEN. That is correct.

Mr. KENNEDY. And all the people were down there?

Mr. HOLSEN. That is correct. I lived right across from the river or the dock area where the incident took place. I was not aware that anything was going to happen there. Otherwise, I would have moved the car. My wife called me that morning at work. I believe it was around 9 o'clock.

She told me that it looked like a lot of people were gathering, and there might be some trouble. I asked her at that time if she could get the car and the children and get out of there. I have four small children. She said it would be impossible to even get near the car, that many people had congregated down there. She wanted to know what to do. I told her, well I would call my father and have my father pick her up on the through block, that she should go out the back door, and leave the house, take the children and leave the house.

Later the house was stoned and windows were broken. I was, in effect, forced out of that house by the riot. I never returned to live there. I only returned to move out of there.

Mr. KENNEDY. Do you think they knew that you were living there?

Mr. HOLSEN. Certainly. There was a striker living right next door. I believe Mr. Elssesser told of getting his car damaged when he rode through the area that night. After that occurred, they blocked off the street, and that is when they turned on my car.

Mr. KENNEDY. You think they knew about you?

Mr. HOLSEN. I am quite sure they did. In fact, I believe it was their purpose to make an example of me.

Mr. KENNEDY. Because you had come in?

Mr. HOLSEN. Because I had come in to work at Kohler.

Mr. KENNEDY. After the strike had started?

Mr. HOLSEN. That is correct.

Mr. KENNEDY. Were they calling you scab?

Mr. HOLSEN. I might relate in connection with this telephone business that I devised a switch on my ground wire so that I could turn off my phone and not hear it ring.

It would sound to them as if it was ringing, but it would not ring in the house. I had to leave that switch on, on one occasion when my small daughter was in the hospital after having her tonsils removed. I had to take her back. She was hemorrhaging. We were quite worried about her at the time, and expected calls from the hospital. I turned the switch on that time and we received calls all night that particular night. It was quite hard on the wife and myself.

(At this point, Senator Curtis left the hearing room.)

Mr. KENNEDY. So you received the telephone calls, and paint remover or acid was thrown on your automobile on two separate occasions. Your automobile was dynamited and then wrecked at the time of the clay boat, and you had stones thrown through the windows of the house where you lived; is that correct?

Mr. HOLSEN. That is correct.

Mr. KENNEDY. Anything else?

Mr. HOLSEN. Well, nothing, except the usual name calling in public places, sometimes, and on the street.

Mr. KENNEDY. Was there great bitterness between the strikers and nonstrikers?

Mr. HOLSEN. Very much so, sir.

Mr. KENNEDY. Was there particular bitterness toward those who the strikers felt had come in to take their jobs?

Mr. HOLSEN. I expect they would be bitter; yes.

Mr. KENNEDY. Particularly against those people?

Mr. HOLSEN. That is right.

Mr. KENNEDY. But there was great bitterness in Sheboygan at that time?

Mr. HOLSEN. There still is some bitterness, although it has receded somewhat in the last year or so.

Mr. KENNEDY. Were you ever able to find out who was responsible for any of these things that happened to you?

Mr. HOLSEN. Nothing ever came to light.

Mr. KENNEDY. Do you feel that it arose out of the strike?

Mr. HOLSEN. Definitely.

Mr. KENNEDY. You had not any problems like this prior to the strike?

Mr. HOLSEN. Oh, none whatever.

Mr. KENNEDY. You hadn't had any problems prior to the time you came to work for Kohler?

Mr. HOLSEN. No.

The CHAIRMAN. I hand you a series of pictures here to ask to see if you can identify them.

(The photographs were handed to the witness.)

Mr. HOLSEN. They are all of property owned by me, damaged by unknown persons.

The CHAIRMAN. Do those pictures reflect the damages you have been testifying to?

Mr. HOLSEN. That is correct.

The CHAIRMAN. At the different times as it occurred.

Mr. HOLSEN. It shows only one of my automobiles. There were two others that were damaged also. There were three automobiles in all. But that was one of them.

The CHAIRMAN. These pictures only show one of the automobiles that you have testified about?

Mr. HOLSEN. That is correct.

The CHAIRMAN. They may be made exhibit 31-A, B, C, and D.

(The documents referred to were marked "Exhibits 31-A, B, C, D" for reference and may be found in the files of the select committee.)

The CHAIRMAN. Is there anything further?

Senator MUNDT. I want you to answer this question under oath, because Mr. Burkhart developed a hypothesis here the other day which he said he didn't entirely subscribe to, but he presented it as a possibility. He pointed out that after it was discovered that people whose homes and cars were wrecked could collect indemnities, that the epidemic of so-called vandalism increased.

I want to ask you to testify under oath: Did you dynamite your own car?

Mr. HOLSEN. I did not, sir.

Senator MUNDT. Did you in any way damage your own car?

Mr. HOLSEN. No, I did not; sir.

Senator MUNDT. You are presently working at the Kohler plant?

Mr. HOLSEN. I am presently employed in the engine electric plant, sales department.

Senator MUNDT. At this time, are there any picket lines between you and your work, or are any efforts being made presently to dissuade you, or is this all a chapter out of the past?

Mr. HOLSEN. There has been no picket line in there as such. Occasionally there is 1 or 2 pickets on the sidewalk when I go into work.

Senator MUNDT. Are these acts of property destruction or vandalism still continuing, or have they all subsided?

Mr. HOLSEN. They have subsided, sir.

Senator MUNDT. They have subsided also. Thank you.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Mr. Holsen, do you listen to the radio?

Mr. HOLSEN. Occasionally.

Senator GOLDWATER. Immediately after Rosary Hour, do you still hear a broadcast from the UAW?

Mr. HOLSEN. I wouldn't have the radio on at that time normally, sir, but I have heard some broadcasts.

Senator GOLDWATER. Are they still continuing those broadcasts, to your knowledge?

Mr. HOLSEN. I believe they are still on. They are about the same now as they were approximately 3 years ago, so there is no reason to tune in and listen to them.

Senator GOLDWATER. About the same type?

Mr. HOLSEN. About the same type of thing; that is right.

Senator GOLDWATER. Thank you very much.

Senator MUNDT. What is the status of this operation? I think it is supposed to employ about 3,380 people. Do you know roughly how many people are working there now?

Mr. HOLSEN. I wouldn't know or have any knowledge, any factual knowledge of that. But I would roughly guess around 3,000 people.

Senator MUNDT. Now working?

Mr. HOLSEN. To my knowledge. That is just a rough guess, Senator.

Senator MUNDT. All right.

The CHAIRMAN. Thank you very much.

Mr. HOLSEN. May I be excused from the committee?

The CHAIRMAN. Does any member of the committee feel we need any of these who have testified?

The Chair will announce that all witnesses who have testified today may be excused from further attendance.

Mr. HOLSEN. Thank you.

The CHAIRMAN. Thank you, sir.

Mr. KENNEDY. Gilbert Moede.

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MOEDE. I do.

TESTIMONY OF GILBERT MOEDE

The CHAIRMAN. State your name and place of business.

Mr. MOEDE. My name is Gilbert Moede.

I did work at Kohler Co. until last June, the 29th, I left——

The CHAIRMAN. The 29th of last June?

Mr. MOEDE. Last June.

The CHAIRMAN. Do you waive the right to counsel; do you?

Mr. MOEDE. Yes.

The CHAIRMAN. All right. Proceed.

Mr. MOEDE. I live out in the country now.

The CHAIRMAN. Sir?

Mr. MOEDE. I live in the country; Larsen, Wis., about 80 miles north of Sheboygan Falls.

The CHAIRMAN. All right.

Mr. KENNEDY. Mr. Moede, when did you start working for the Kohler Co.?

Mr. MOEDE. In 1926.

Mr. KENNEDY. And you worked there continuously?

Mr. MOEDE. Yes, sir.

Mr. KENNEDY. And did you join the UAW?

Mr. MOEDE. No, sir.

Mr. KENNEDY. You were against the UAW?

Mr. MOEDE. I am not in favor of that.

Mr. KENNEDY. You are not in favor of the UAW?

Mr. MOEDE. No.

Mr. KENNEDY. When they went out on strike, you did not support the strike? You were against what they were doing?

Mr. MOEDE. Yes, sir.

Mr. KENNEDY. So you did not support it?

Mr. MOEDE. Yes, sir.

Mr. KENNEDY. And when the mass picketing ended, you went back to work?

Mr. MOEDE. Yes, sir.

Mr. KENNEDY. You felt that during the mass picketing it was impossible for you to go to work because of the number of pickets outside?

Mr. MOEDE. Yes.

Mr. KENNEDY. And they would not—

Mr. MOEDE. You couldn't get in, regardless of how hard you tried.

Mr. KENNEDY. You could not get in at that time?

Mr. MOEDE. That is right.

Mr. KENNEDY. When the mass picketing ended, you did go to work, is that right?

Mr. MOEDE. Yes, sir.

Mr. KENNEDY. Did you receive any telephone calls?

Mr. MOEDE. I have no telephone. But I had threats on the streets and other things.

Mr. KENNEDY. From the pickets?

Mr. MOEDE. Yes.

Mr. KENNEDY. They would yell at you?

Mr. MOEDE. Yes, sir.

Mr. KENNEDY. Did you have a home outside of Sheboygan? Did you have a cottage?

Mr. MOEDE. Yes. I have a cottage and a home, both.

Mr. KENNEDY. Did you find some vandalism in connection with your cottage?

Mr. MOEDE. Yes, sir.

Mr. KENNEDY. Would you tell what happened?

Mr. MOEDE. Well, my folks live in Oshkosh, and at Christmas morning I went up to Oshkosh to see my dad, and then I also went up to the cottage, because by the cottage—my wife's brother died in the first war, so at Christmastime and holidays we always put a bouquet or something on it.

I went up there and I attended the cemetery first, and then I went over to the cottage and I opened up the boathouse. Then I went up to the cottage. I was going to open up, and I thought, "Oh, I must have forgotten and left the door open." So I looked in and then I

see there was a mess. Then I looked from one room to the other. I have pictures here to show it. I would like to show them not only to you, but I should like to present them to all the Senators and Representatives of the House, if I can possibly do it. I tried to see the Senators and I had very little success.

Then I went up to Detrich and he called up the sheriff's department. He called up the sheriff's department and the sheriff's department came out, not the sheriff but his undersheriff. Then in the meantime, while he was coming, then I went to the boathouse with Fred Detrich and there we see that all the boats, motors, and everything else, was damaged.

Then I started to think about how it could be done. In order to get in, they tried to bar the front door of the boathouse and couldn't get in.

There must be somebody that knows me very well, because you go around to the door, to the big door, and you can see that on that pole that goes across the door there is two prongs, and in order to open it, they had to turn them prongs up, before they could raise the bar to open them front doors, which they did.

Then the sheriff came, one of his deputies or the undersheriff, and then when he saw all the damage, and acid thrown on the Bible—and at that time we didn't know it but last year when we went up there and we was going to take some of these flags and put on my brother-in-law's grave, I see that they even threw the acid right on those, too.

I was told that I couldn't go back then. They said that they would have the line so strong that it would be impossible to get in.

The CHAIRMAN. Get in where?

Mr. MOEDE. In the plant to go to work. Well, I said, "According to the law of the land, a person has a right to earn a living, and which I have, too."

The good Lord gave me these hands to work with, and that is my way of earning my living, with my hands.

Some people have it with their brain, their talents, or one way or the other. Well, I have it with my hands. I said, "Well, they will open the lines, and when they open the lines, I will go in."

They said, "Remember what they did in 1934?"

And I said, "Yes, distinctly. But I wouldn't go in the plant because the Mrs. is too nervous."

They said, "They will paint your house or something." And I said, "I don't worry about that, because I have a couple of good shot-guns and the Mrs. is a very good shot."

It went around a few days later and someone would say, "You must remember, you have your cottage, and we can go to that."

The CHAIRMAN. Do you know who was talking to you?

Mr. MOEDE. Who was talking to me?

The CHAIRMAN. Yes.

Mr. MOEDE. There is pretty near all of them that knew me in the shop. I have been in the pottery there—

The CHAIRMAN. I am talking about do you know who was making the threats to you?

Mr. MOEDE. One would say this, and I said to one of them, "This is a threat, I can hold you for it."

And he said, "No, you can't. I am just telling you what would happen."

The CHAIRMAN. All right. Go ahead.

Mr. MOEDE. So then last June I left because the Mrs. got kind of nervous. Since June I have been trying to find a job, and I have been all over for a job, the employment office and all over. The fact is I worked the month of January for \$40, so I could have some money to get along.

The week before I came, I worked for \$10, so I could make along. But the farmers are all good around there by me, and when I had a chance to come here and testify, well, I didn't know what to do. The Mrs. said "Here is your chance to stand up and fight for our rights, what we have been fighting for."

The CHAIRMAN. Do you feel you are fighting for your rights just as much as the unionmen claim they are fighting for theirs?

Mr. MOEDE. Well, here is the Constitution. Take the Constitution and the Bill of Rights. It gives me the right to earn my living. If I can't work, how am I going to exist?

The CHAIRMAN. I agree with you. I think it is one of the highest civil rights we have, the right to work.

Mr. MOEDE. That is right.

The CHAIRMAN. May I see your pictures?

We have them here, I see.

I think we have a sufficient number of them. I hand you here a set of pictures and ask you to examine them and state if you can identify them.

(Photographs were handed to the witness.)

Mr. MOEDE. The first one is a picture of one of the dressers in one of the bedrooms, and the black is acid. The beds were all made. The wife is very neat, and she always keeps everything neat. But the sheriff wanted to see what the results were, so he threw the bedding back so they could show what the acid did.

The CHAIRMAN. Those are pictures, and you identify them as pictures, of the damage that was caused to your property?

Mr. MOEDE. Yes, sir. I am telling you what they are.

The CHAIRMAN. All right. They may be made exhibit No. 32A, B, C, D, and so forth.

(The documents referred to as exhibits Nos. 32A, B, C, D, E, EE were marked for reference and may be found in the files of the select committee.)

The CHAIRMAN. You may explain any of them you like.

Mr. MOEDE. This is the dresser in my wife's room. The next one is the dining room table. They had a piece of plastic over the top of that to keep the tablecloth clean.

The CHAIRMAN. Is that paint on there?

Mr. MOEDE. No. That is all acid.

The CHAIRMAN. They gave you the acid treatment, did they?

Mr. MOEDE. Yes, sir.

The CHAIRMAN. All right.

Mr. MOEDE. Here is an old organ, and here is a picture of Christ up here, and there is a Lutheran hymnbook. When the Mrs. got too nervous, she would play on the organ while I would go out fishing. A lot of times she didn't go along. They threw it on the hymnal.

You can see it distinctly. The next one is another one of the bed where acid is.

It went through the mattress and all, and through the plastic. Next is another picture of the organ.

Next is some bedding. The next is where it is coming out of the bottom of the organ onto the floor. The next one is my old grampa's chair. They put it on there, too.

The CHAIRMAN. What kind of chair?

Mr. MOEDE. My grandfather's chair. A lot of this stuff was antiques. Like the table in there. My father-in-law built that, and that must have been about 50 years or more ago. Next you can see where it came through the table and onto the floor here. The next is the flags, sitting on the chair. You can't see the top part of the chair. It went right straight through. A person can see that on the bottom it went through the sticks, but on the top part it had some, too, also.

They put it in the stove, too. There it is coming out of the stove. Next is a kitchen cabinet, in the kitchen. My dad—well, he left me last year—he came along with me. My wife didn't see this mess at all. I knew she couldn't stand it.

So he came along and he went into the cupboard, the glass cupboard, in the top, and all of these little dishes, and all the cups, all had acid in them.

The Mrs., being small, if she had came and taken hold she would have had acid all over her face, too.

(At this time, Senator Curtis entered the hearing room.)

Mr. MOEDE. You can see on the floor where it is all scattered all over. In the refrigerator, the ice tray, and all. The davenport is the same thing. Here is the Bible. That is a Bible, the Old Testament and the New Testament both.

Here is the lamp. They poured it all over it.

Senator MUNDT. Did they throw acid on the Bible?

Mr. MOEDE. Yes, sir. I could present it, but I wouldn't let it out of my hands unless it is on a bond or faith or swore to that it is returned to me.

The CHAIRMAN. It will not be necessary for you to bring it here.

Senator GOLDWATER. Was the Bible in a place that they would have to purposely go to and pour acid on?

Mr. MOEDE. Yes, sir. It is right here on the table. It could be seen very easily. The way I look at it is if he can see to open up the cupboard to put in acid in every cup and every glass in the kitchen cupboard, they surely could see what they were doing while pouring the acid.

Senator GOLDWATER. Does it look like a Bible?

Mr. MOEDE. The "Holy Scripture" is written right on there. It is a Holy Bible.

Senator GOLDWATER. That is hard to believe.

Mr. MOEDE. Well, it is so. Here is the stove in the kitchen.

In this whole piece, they had a brick out and I pushed it back so I could lock it. They had to tear out this whole thing so that they could break in that door to get into the cottage. Here is a picture of the boats. This is one skiff.

The CHAIRMAN. What did they do to the boats?

Mr. MOEDE. They poured acid in those, too. Over the paddles, life preservers and all. You can see it in this one.

The CHAIRMAN. Did that destroy the boats?

Mr. MOEDE. Yes. Here is a big motor. They just poured it in the top. This, by the way, isn't acid, in the one picture, that is paint or oil.

The CHAIRMAN. What about the motors?

Mr. MOEDE. One of them was thrown down. I am coming to that. One of them was thrown down on a bunch of decoys and pounded with a pipe and poured acid over it. That was completely destroyed. The other one I had repairs, because it is a fast motor. Here is a picture of the boat house, and that is the bar I spoke of.

They poured acid in the top of one skiff and it went through the next one and to the bottom. In one of these pictures you will see where there is a big patch of acid on the bottom. Next is the speed boat that the Mrs. and I always liked so well.

Here is where the acid is coming through, in the next shot. Here is that little motor they thrown down on the top of decoys, thrown acid on it, and broke a cylinder. Next is acid over the speed boat.

The CHAIRMAN. All of the pictures have been received in evidence.

Mr. MOEDE. Here is a picture of the boathouse and next is a picture of the cottage.

The CHAIRMAN. May I ask you this question: Do you have any idea who did it?

Mr. MOEDE. I gave a list of the names to the sheriff's department, a list of the names I gave to the sheriff's department who knew of the cottage and the location of it, because it is an out-of-the-way place to find.

Also, in a roundabout way, they threatened to do it.

The CHAIRMAN. You gave the sheriff the names of those who in a roundabout way threatened to do it and who knew where the cottage was?

Mr. MOEDE. Yes, sir.

The CHAIRMAN. I don't care about your calling their names here unless you know positively who did it. But you did give the sheriff the information of those you thought likely to do this?

Mr. MOEDE. Yes, sir.

The CHAIRMAN. And no one was ever arrested for it?

Mr. MOEDE. No, sir.

The CHAIRMAN. Were any fingerprints ever taken up there?

Mr. MOEDE. Yes, sir.

The CHAIRMAN. They got fingerprints?

Mr. MOEDE. They did not. They tried to get them, I guess, but they said there wasn't no fingerprints.

The CHAIRMAN. They said they couldn't find any fingerprints?

Mr. MOEDE. Yes, sir.

The CHAIRMAN. Is there anything further?

Senator MUNDT. Mr. Moede, what would you estimate was the total amount of financial loss that you suffered as a consequence of this vandalism?

Mr. MOEDE. Well, you see, I didn't have any insurance. The insurance man—before the CIO started to get in there, I knew trouble was brewing, so I told the insurance man that I wanted insurance,

but some way or other it was a misunderstanding and it was not covered by vandalism. Kohler Co.—

Senator MUNDT. How much total destruction was there?

Mr. MOEDE. Kohler Co. gave me a check for about \$1,200, but after going through more and going through this, that, that, that didn't cover it.

Senator MUNDT. How much do you think it actually was?

Mr. MOEDE. Well, about \$1,800, I would say.

Senator MUNDT. \$1,800?

Mr. MOEDE. Yes. You know, some things can't be replaced.

Senator MUNDT. I understand. Your only offense, so far as you know, was the fact that you wanted to continue working in the factory to support your family.

Mr. MOEDE. Yes, sir.

Senator MUNDT. And finally the pressures grew so vigorously against you and your family that you, did I understand, quit your job because your wife was afraid to have you work there.

Mr. MOEDE. Yes. Well, she got nervous. You see, in the first strike, I was in the plant during the whole strike, too. If you would like to have my version of it, I will tell that, too, because the Mrs. said, before I left, she said, "Tell it all."

Senator MUNDT. I would be interested in knowing something about that, if you can tell it briefly.

Mr. MOEDE. Before I left, I loaded the shotgun—I have 3 or 4 of them at home—and the rifle—and she said I should tell all, that she would stand in back of me.

Senator MUNDT. What is there that you want to tell us about the first strike?

Mr. MOEDE. The first strike, the day of the riot, if you will look up in the Capitol Times, you will see that the Capitol Times, one of the editors, said that the people knew that something was brewing the night of the riot because there was truckloads of men with clubs patrolling all around. I was inside.

Then, when they started to come down High Street, then they gave us some gas bombs or gas shells, very little, and it didn't do no good. They went right straight through. Then, afterwards, we got ahold of some guns and we laid out on the baseball diamonds with rifles without any shells.

You could see across the street. People were pushing out of town. Across the street on that end you could see the fire coming from the spectators. One of them I know for sure that was shot, was shot in the back and he was coming toward the plant.

They say "shot in the back." They should find out which way they were running when they say "shot in the back," and who was liable for it. All the windows in the pottery and windows in the main office was broke. Afterwards, they said kids did it, but kids don't throw bricks like that through windows.

Senator MUNDT. This first strike was not involving the UAW, was it?

Mr. MOEDE. No. But at that time it was worked about the same way as this time. It was worked from inside. Some of them was given beer parties and patted on the back to get them to go union.

Dave Lavingas was one of them that was very much for the strike at that time. He gave speeches along with Maude McCree. I think she was a noted Communist. I think the right name is Kerole, or something like that.

Senator MUNDT. Anyhow, in your career at Kohler you have been through two strikes?

Mr. MOEDE. Yes, sir, two strikes and a depression I went through.

Senator MUNDT. One time you were in the building and the other time you had to wait until the picket line opened up so you could get back to work?

Mr. MOEDE. Yes, sir.

Senator MUNDT. And finally, your wife talked you out of working altogether?

Mr. MOEDE. Well, no. It got so bad we would be laying there sleeping and if she would hear the sirens go past she would reach over and see if I was in bed, and she thought I was getting run over or something. Well, that is not living no more. When you have to have your window sheeted up and afraid that something will come in, that is not living. That is not America.

Senator MUNDT. You told us that in January you made \$40 and in February you made \$10 or so?

Mr. MOEDE. In January I went over to work for a farm for \$40 and the week before I came here I worked all week for \$10.

Senator MUNDT. What kind of a job did you have to give up on account of this strike? How much were you making before that?

Mr. MOEDE. Well, from the first of the year until June 28, I made \$3,400 and something. Pretty close to \$3,500.

Senator MUNDT. Roughly, could you break that down into how much you were earning per week?

Mr. MOEDE. Well, it would amount to \$2.51 an hour.

Senator MUNDT. \$2.51 an hour?

Mr. MOEDE. Yes, sir.

Senator MUNDT. You had to give that job up on account of the strike?

Mr. MOEDE. Yes, sir.

Mr. KENNEDY. On that point, when did you give up your job? When did you leave it?

Mr. MOEDE. I left the first of July. I finished off that week in June and then I left.

Mr. KENNEDY. Of 1957?

Mr. MOEDE. Last year.

Mr. KENNEDY. Of 1957?

Mr. MOEDE. 1957.

Mr. KENNEDY. About 8 months ago?

Mr. MOEDE. Yes, sir.

Mr. KENNEDY. Had there been a lot of vandalism in your area prior to that?

Mr. MOEDE. Before that, yes, very much around.

Mr. KENNEDY. When was that?

Mr. MOEDE. Well, all these that I hear here, that was all that. On do you mean up here by the lake?

Mr. KENNEDY. Yes.

Mr. MOEDE. No, none.

Mr. KENNEDY. There had not been any up there?

Mr. MOEDE. No, sir.

Mr. KENNEDY. Did you feel that those that were responsible for that were people that lived around there?

Mr. MOEDE. No. You see, my wife's home is up there and her grandfather was a flagbearer in the Civil War. He was killed in the Civil War and that is our homestead up there. All the people know them, and all the people know us.

Mr. KENNEDY. I am sure of that, but what I thought you had said earlier about the fact of how they got into your cottage, about them getting into your cottage—

Mr. MOEDE. They would have to go down past Ewald Privnell, if they went with a car.

Mr. KENNEDY. I thought you said somebody may have known your cottage.

Mr. MOEDE. Yes, I took pretty nearly anyone who wanted to go fishing for a weekend or hunting.

Mr. KENNEDY. But the person who broke into your cottage knew it, did they not?

Mr. MOEDE. That is what I said.

Mr. KENNEDY. Would that have to be somebody that lived around there?

Mr. MOEDE. No, they would not have to live up there.

Mr. KENNEDY. But you could tell by the way they got into your cottage that they—

Mr. MOEDE. I said that the people that lived around there that knew the cottage and knew the boathouse to get in there, how they would have to turn that bar, they wouldn't do it. They would not do it because they all said it was just too bad that they weren't around when they did come.

They must have come in through the back way to get in there because Ewald Privnell and Detrick, they didn't see them come down there.

Mr. KENNEDY. But you never found out who was responsible?

Mr. MOEDE. No, sir.

The CHAIRMAN. Is there anything further?

Senator GOLDWATER. You mentioned something about the 1934 strike, and we have had a quite a bit of reference to it.

Mr. MOEDE, you were working for Kohler at the time?

Mr. MOEDE. Yes, sir.

Senator GOLDWATER. What was taking place when these people were shot and killed?

Mr. MOEDE. When they started to stone the town, and they started to stone the town and everything then they had village police all swore in, and we were all sworn in as deputies.

Outside the village had deputies, and they chased them out with clubs or whatever way they could get them out. After they were out, then they were shooting from there where they were, back there back by Joe Badura's across the road, shooting from there toward the plant.

Senator GOLDWATER. Who was shooting?

Mr. MOEDE. The people that was in the village that were chased out of the village. They were shooting toward the plant.

Senator GOLDWATER. Who were those people? Were they people who had worked for Kohler?

Mr. MOEDE. Well, some of them had and some of them weren't. Some of them were sympathizers with the strikers.

Senator GOLDWATER. Were you inside the plant at the time of this strike?

Mr. MOEDE. Yes, sir.

Senator GOLDWATER. Did these people force their way into the plant?

Mr. MOEDE. No. They couldn't get in because they had all the gates shut and we was inside the gates as long as they were being chased out of town.

Senator GOLDWATER. Did they break windows in the plant?

Mr. MOEDE. They broke all the windows in the south foundry, all the windows in the main office, that is, outside of the buildings, that is, facing the street, and in the pottery.

(At this point, Senator Mundt withdrew from the room.)

Senator GOLDWATER. And you said they were not all people who had worked for Kohler?

Mr. MOEDE. That is right.

Senator GOLDWATER. At that time, do you remember how many people worked for Kohler?

Mr. MOEDE. Well, I would say practically about 1,800 or 1,500.

Senator GOLDWATER. And how many went out on strike at that time?

Mr. MOEDE. I don't think there was very many, but they had a lot like in the line, like this year. This year they said they had 3,000 in the line, but yet they only had 2,700 members. Where do the rest of them come from?

Then there was about 1,000 workers on the other side that wanted to come into work the first morning, all of them scattered around.

Senator GOLDWATER. That is all I had, Mr. Chairman.

Mr. KENNEDY. The people that were shot, were they company people?

Mr. MOEDE. Well, no. One of them wasn't. One I know wasn't.

Mr. KENNEDY. In 1934, the people that were shot were all non-company people; were they not?

Mr. MOEDE. That I wouldn't say.

Mr. KENNEDY. I think the facts at the corner's inquest shows that of the people that were shot, none of them were company people. These were people that were in the streets.

Mr. MOEDE. But being in the plant and talking about it after the strike, with some of these guys, they said that this year one guy was shot while he was standing back of somebody shooting, and they told him, "If you want to shoot," this one guy, "If you want to shoot, go over there and shoot; don't stand back of me," and that was one of them that I said was shot in the back that went out in front of the rest of them.

The CHAIRMAN. What union was involved in that strike?

Mr. MOEDE. AFL.

Mr. KENNEDY. You were given gas bombs, did you say?

Mr. MOEDE. Yes, sir.

Mr. KENNEDY. By the company?

Mr. MOEDE. Yes, sir.

Mr. KENNEDY. Ultimately, were you given a gun?

Mr. MOEDE. Afterward, yes, an empty gun.

Mr. KENNEDY. They gave you an empty gun?

Mr. MOEDE. Yes, sir.

Mr. KENNEDY. There were two people that were killed; were there?

Mr. MOEDE. Yes, sir.

Mr. KENNEDY. They were not company people?

Mr. MOEDE. No, sir.

Mr. KENNEDY. And 47 wounded?

Mr. MOEDE. I don't know that. That is too far back, but I just want the record straight that they knew what was going to take place because they were coming there with clubs and stones and you could see the pavement and they couldn't pick up no stones and no clubs on the pavement, not in that city. That is a very clean city so they must have came there with clubs and stones prepared to do harm.

The way I look at it this time, too, if Kohler would not have been prepared, the violence would have been against the company, and seeing that they could not do the violence against the company, they took it upon the men that went to work to earn their living with their hands.

Mr. KENNEDY. They evidently were pretty well prepared.

Mr. MOEDE. Well, I am, too, at home and the Mrs. is, too, right now. And the neighbors are standing by to help her.

The CHAIRMAN. All right.

The committee will stand in recess until 10 o'clock tomorrow morning.

(Whereupon at 4:55 p. m., the hearing in the above-entitled matter was recessed to reconvene at 10 a. m., of the following day.)

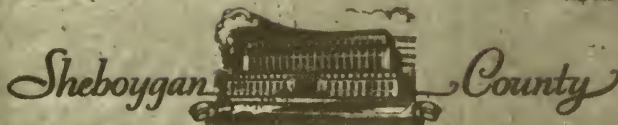
(Members of the select committee present at the taking of the recess were Senators McClellan, Goldwater, and Curtis.)

APPENDIX

EXHIBIT No. 8

GEORGE J. MOSCH
COUNTY SHERIFF

LAWRENCE A. SUMMITZ
Vice-Sheriff



SHEBOYGAN, WISCONSIN

OFFICE OF
SHERIFF

May 21, 1954

Mr. Lyman C. Conger
Kohler Company
Kohler, Wisconsin

Dear Sir:

Due to the present strike situation at the Kohler Company, I believe it unwise for me to have armed deputies within the plant proper.

I am therefore advising you that I am suspending your Deputy's authorization effective immediately. Please return your Deputy Sheriff's card to me as soon as possible.

I shall be more than happy to again reinstate you as a deputy if you desire whenever the strike is settled and the situation is back to normal. I feel this move is necessary not only for my own protection but also to serve the best interests of the citizens of Sheboygan County.

No release of this action will be made by me either to the press or radio so as not to cause any embarrassment to anyone concerned.

Very truly yours,

Theodore J. Mosch
Sheriff of Sheboygan County

EXHIBIT No. 9

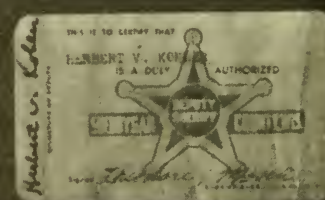
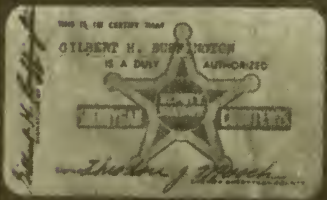
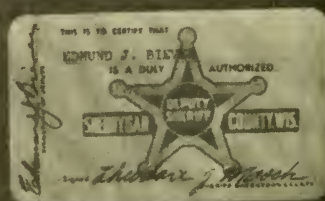
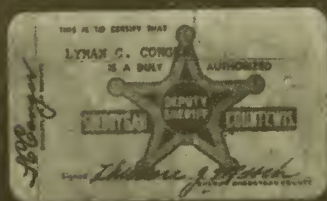
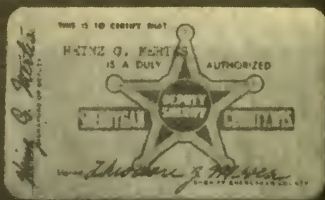
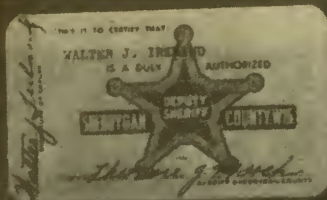


EXHIBIT No. 10

May 24, 1954

Mr. Theodore J. Mosch,
Sheriff of Sheboygan County,
Sheboygan County Court House,
Sheboygan, Wisconsin.

Dear Sir:

This will acknowledge your letter of May 21, 1954, advising that you are suspending our deputies' authorization.

The coincidence of this action with union publicity of the fact that we were deputies makes your motives obvious. This, together with your failure to enforce the law over the past seven weeks, makes it evident that your purpose is something other than to secure better law enforcement.

You speak of this move being necessary "for my own protection".

We would think that "for your own protection" you would be concerned about the open and flagrant lawlessness which has prevailed in this county since the beginning of the strike, with little, if any, interference from your office.

Your own protection and the best interests of the citizens of Sheboygan require that you do your duty and enforce the law.

We call your attention to the following criminal statutes which, in particular, have been violated day after day, at times in your personal presence:

Sec. 343.683 Right to Work Statute

Sec. 347.02 Riot and Unlawful Assembly Act

We also call your attention to your duties under Sec. 347.04 and 347.07 and to the penalties provided under Sec. 347.06 for failure to perform these duties.

We also call your attention to the District Attorney's opinion, dated April 13, 1954, defining your duties. We refer to the entire opinion, not the portion of it which you caused to be published out of context, giving it a very misleading meaning.

The recent decision of the Wisconsin Employment Relations Board, holding that the picketing is and has been illegal, deprives you of any excuse for not enforcing the law, which the union continues to violate.

Page 2

May 24, 1954

We would think that you would be embarrassed by the open praise of your inaction from the very people who have been found by a responsible state agency to be law violators.

At your request we are herewith returning our deputy sheriff's cards. As you are well aware, these cards were issued for the purpose of assisting us to protect our persons and property, the safety of persons within the plant, the plant property, and the property of the United States Government within the plant, which we have a contractual obligation to protect.

Attempts to dissuade law-abiding citizens from exercising their legal rights or to disable them from providing for themselves the protection for their persons and property which you are unwilling to enable to provide will not make law enforcement any easier.

We and countless other citizens of this community do not intend to surrender our rights so that you may avoid your responsibility.

As citizens and taxpayers, we demand that you enforce the law.

If you continue to fail to do so, we will take steps to see that the penalties for your failure are enforced.

Although you stated in your letter that no release of your action would be made by you to the press or radio, it has been announced by both; and, therefore, we are making the contents of this letter public.

Very truly yours,

Robert V. Miller
Robert V. Miller

L. J. Miller
L. J. Miller

L. E. Gault
L. E. Gault

V. J. Brennan
V. J. Brennan

L. E. Harrington
L. E. Harrington

EXHIBIT No. 12

RECEIVING - PACKING LIST
FEDERAL LABORATORIES INC.

157452

P. O. BOX 268

PITTSBURGH 30, PA.

JOB NO.

SALES ORDER

50880

CUSTOMER'S ORDER NO.

96881

PACKED BY

DATE

4-8-1957

RECEIVED FROM

SHIPPED TO

Kohler Company

Milwaukee, Wisconsin

FOR

VIA EXPRESS ☒COLLECT ☒PREPAID ☐C.O.D. ☐PARCEL POST ☐SPECIAL DELIVERY ☐

ITEM	QUANTITY	DESCRIPTION	ACCT. NO.	COST UNIT	AMOUNT
151		*203 Cartridges, 1/2 cal. Short Range C. M.			
150		*206 Projectiles, 1/2 cal. Spidehead, C. M.			
		C82323 C84013 C83685 C83962 C84016 C83945 C83925			
		C83686 C81473 C83715 C81328 C84034 C74444 C83941			
		C81478 C81350 C83763 C83751 C83930 C83814 C83477			
		C81223 C83903 C81058 C83812 C83724 C83766 C83864			
		C83965 C83993 C83748 C83958 C81397 C82312 C81176			
		C82305 C83709 C80900 C80943 C81141 C81180 C82363			
		C83957 C83895 C88833 C81221 C81015 C84000 C81519			
		C80982 C83783 C81335 C82355 C83944 C81210 C84020			
		C82290 C84017 C71883 C83975 C84004 C81147 C82074			
		C83789 C83970 C81187 C83789 C83883 C81238 C83736			
		C83925 C82111 C83749 C77155 C81315 C81469 C76315			
		C81425 C83684 C81893 C82469 C81084 C83710 C83836			
		C83870 C84024 C76885 C81179 C80881 C74526 C80627			
		C83942 C71969 C74444 C74422 C81385 C81199 C83881			
		C83766 C81683 C74397 C81413 C83864 C81370 C80631			

WARNING NOTICES PLACED IN PACKAGE:

SIGNED

J. L. Little

SHEET

1 ON 2

IMPROPER ACTIVITIES IN THE LABOR FIELD

157453

P. O. BOX 268
PITTSBURGH 30, PA.

JOB NO.

SALES ORDER

50880

CUSTOMER'S ORDER NO. **96881**

PACKED BY

RATE

18

SHIPPED TO

Kohler Company
Sheboygan, Wisconsin

FOR

VIA EXPRESS

COLLECT

PREPAID ☐C.O.D. ☐**PARCEL POST** ☐

SPECIAL DELIVERY

[illegible]

WARNING NOTICES PLACED IN PACKAGE:

1200000

J. L. Little

RECEIVED 25 JAN 1964

EXHIBIT No. 13

April 1, 1954

W. J. Ireland

Waldemar G. Chapelle,
Chief of Police,
Village of Kohler,
Kohler, Wisconsin.

Dear Sir:

This will acknowledge your letter of April 1, 1954.

Leaves of absence will be granted for Kohler Co.
employees who are deputized for service with the police
Department of the Village of Kohler.

Premiums which become due on group life, health and
accident and hospitalization and surgical benefits insur-
ance will be carried on the books of the Company until
the termination of the leaves of absence, to be paid
when these men return to work.

Very truly yours,

KOHLER CO.,
per-

Personnel Director.

February 7, 1958

MEMORANDUM

To - Mr. E. J. Biever
Copy: Mr. L. C. Conger
From - J. L. Kuplie

INVENTORY OF GUNS AND AMMUNITION
HELD BY PLANT SECURITY.

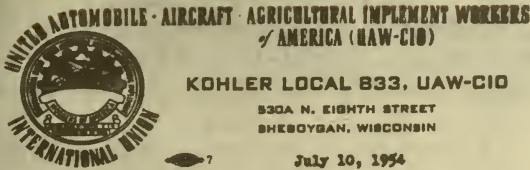
18 - 12 ga. Remington shotguns.
20 - .38 cal. S. & W. pistols
825 - 12 ga. shotgun shells
9500 - .38 cal. cartridges
2500 - .22 L. R. cartridges

Transferred to Chief of Police Cappella on May 1957

3 Bear Fox guns

375 rounds Bear Fox ammunition

EXHIBIT No. 20

**KOHLER LOCAL 833, UAW-CIO**530A N. EIGHTH STREET
SHEBOYGAN, WISCONSIN

July 10, 1954

The Honorable Walter J. Kohler, Jr.,
Governor of Wisconsin,
Madison, Wis.

My dear Governor:

This is to advise that at a special Membership meeting held in the Sheboygan Armory this afternoon, it was voted unanimously to accept your proposal that the issues remaining in dispute between the Kohler Co. and the Union be submitted to a qualified, impartial arbitrator to be selected by the Wisconsin Employment Relations Board and that we abide by any decision arrived at by such arbitrator, as outlined in your letter dated July 8, 1954, sent jointly to the Kohler Co. and the Union.

We are deeply appreciative of the concern you are showing in our dispute with the Kohler Co., now winding up its 14th week, and of the efforts you are making to resolve the differences still existing.

Very sincerely yours,

KOHLER LOCAL 833, UAW-CIO, EXECUTIVE BOARD

Per:

E. H. Kohlhausen, RECORDING SECRETARY

cc: Mr. Allan J. Graskamp, President
Mr. Arthur Bauer, Vice-President
Mr. Harvey Kitzman, Director UAW-CIO Region 10
Mr. Robert Burkart, UAW-CIO International Representative

Union Accepts Gov.
7/10/54

State of Wisconsin }
Register's Office } 38
Sheboygan County }

I, Benj. W. Diederich, Registrar of Deeds in and for the said county and state do hereby certify that this photograph is a true copy of the records of a certain will recorded in this office in

Volume 66 of Smith or Page 2 on the nile
day of November A.D. 1795.

witness my hand and official seal this 19th day of Nov A.D. 1952.

Ben W. Wiedemick
Register of Deeds, Sheboygan County, Wis.

By Harold J. Becker Deputy

205

030457

BOSTON PUBLIC LIBRARY



3 9999 06352 023 1

